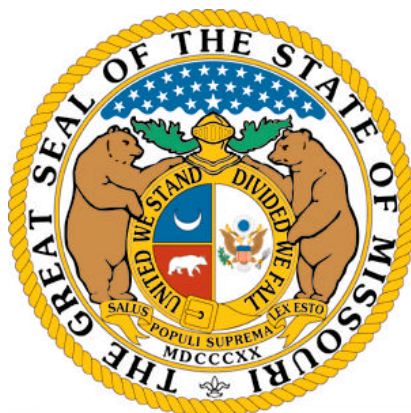


# Missouri Sentencing Advisory Commission

## Report on Recommended Sentencing

June, 2004



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## 2. INTRODUCTION

Judicial discretion is the cornerstone of sentencing in Missouri courts. The Sentencing Advisory Commission believes that sentencing in Missouri is at its best when the decision makers have accurate and timely information about the offender, the offenses and the options available for sentencing.

Senate Bill 5, which was enacted June 27, 2003, made changes to the statute that created the Missouri Sentencing Advisory Commission (Section 558.019.6 RSMo). The statute requires the commission to review and publish a system of recommended sentences on or before July 1, 2004. The statute also directs the commission to consider the feasibility of incorporating alternative sentences, prison work programs, work release, home-based incarceration and probation and parole options into the recommended sentences. The full text of Section 558.019.6 RSMo is included here as Appendix A, page 62.

The goal of these Sentencing Recommendations, which are consistent with Senate Bill 5 and the other statutes on sentencing, is to achieve a system of sentencing that is fair, protects the public and uses corrections resources wisely. One goal of the Sentencing Advisory Commission is to reduce sentencing disparity. However, achieving that goal has often proven to be elusive because disparities in sentencing often are the result of differences between offenders and in the circumstances of their crimes.

The commission builds upon the work of the previous commission whose Advisory Sentencing Guidelines were promulgated in 1998. The commission has examined data and studies of the use and deviations from those guidelines.<sup>1</sup>

The new Sentencing Recommendations are based upon current sentencing and corrections practices in the state as a whole. They provide:

1. **Risk assessment.** The recommendations use a modified version of the salient risk factors used by the Missouri Board of Probation and Parole to determine eligibility for release on parole. These risk factors have been validated by statistical studies of Missouri offenders.
2. **Grouping of offenses.** The recommendations arrange the offenses in groups in the same manner as the offenses are categorized by statute and by the Board of Probation and Parole.
3. **Severity of offenses.** Within each group of offenses, the crimes are arranged in categories of severity from Level I, most severe, to Level III, least severe. Severity of offenses was determined by examining the actual sentences imposed for each crime in the recent five-year period. The intention of the severity level is to ensure that offenses within the same felony class and offense group can be given similar sentences.

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<sup>1</sup> The commission decided to abandon the use of the phrase "sentencing guidelines" because the same phrase is used in the federal courts to describe a system that is entirely different from the sentencing system in Missouri courts. The commission labels its work as Sentencing Recommendations because that is what they are. They are not compulsory. The Missouri Sentencing Advisory Commission does not support a federal style guidelines system.

4. **Sentencing recommendations.** These are based upon data on sentences from throughout the state. The data on sentences for the prior fiscal year are included for each category of offense.

Following a proposal by the Missouri Department of Corrections and the Board of Probation and Parole, the system of providing pre-sentence information to courts and attorneys will be modified as follows:

The probation officer is to provide the attorneys and the court a Sentencing Assessment Report within 14 days following a plea. The Sentencing Assessment Report will contain basic information on the offender and the offense, as well as the impact on the victim, and will provide the court and counsel with:

1. A rating as to the risk of re-offending, by using the salient risk factors as set forth in these Sentencing Recommendations;
2. An analysis of non-prison sentencing alternatives (where appropriate);
3. A recommendation for sentencing in accordance with these Sentencing Recommendations, and
4. Where a prison sentence is indicated, the Report will indicate what percentage of the sentence must be served before the offender is eligible for parole, as well as the average number of months that an offender with that sentence and risk rating spends in prison before parole.

The commission thanks the Missouri Department of Corrections and the Board of Probation and Parole for their willingness to integrate these recommendations into their work.

The commission is aware that, in many cases, the sentence is the result of a plea bargain. The information in the pages that follow will be useful in determining appropriate dispositions in plea-bargained cases. Counsel and courts should be aware that, although a plea bargain is done before entry of a plea and preparation of a Sentencing Assessment Report, a probation officer or prison official would prepare a report in any event. This will help guide probation officers in supervising those on probation or other community-based sentences or prison officials who will be responsible for finding the proper placement for those sentenced to prison.

The commission supports the use of drug courts and other diversionary programs for appropriate non-violent offenders. Drug Courts have been found to be more effective and efficient than either incarceration or probation without a treatment component in dealing with individuals whose criminal behavior is primarily the result of illegal drug abuse (*A Cost-Benefit Analysis of the St Louis City Adult Felony Drug Court*, Institute of Applied Research, 2004; *Multi-Jurisdictional Enhancement for Missouri Drug Courts*, University of Missouri-Columbia School of Social Work, 2001). Although not a focus of this study, we note that there are 70 operational drug court programs in Missouri; 2,100 active drug court participants; 3,200 drug court graduates; a 60% retention rate for individuals in drug court; a 10% recidivism rate for individuals who have graduated from drug court; and 144 drug free babies that have been born to drug court participants.

The Sentencing Recommendations modify the terminology of probation to reflect different kinds of sentences. "Probation", in its traditional usage, means anything from minimal supervision to intensive supervision, electronic monitoring, or various other alternatives. These recommendations use the following terms to describe these different kinds of non-prison sentences:

**Probation:** Supervision in the community with periodic contact with a probation officer.

**Community Structured Sentence (CSS):** This is a non-prison sentence that is served in the community under a plan of strict supervision. It may include home-based incarceration (electronic monitoring) or other strategies for community supervision and may also require the offender to attend substance abuse or other community rehabilitative programs.

**Institutional Shock or Treatment Programs (Shk/Trt):** These include a variety of options under the shock probation statute, Section 559.115 RSMo, or other institution-based programs, as listed in section 4, Recommended Sentence References.

The commission, in Section 558.019.6 RSMo, has a one-year period to implement its recommendations. The commission hopes that judges and attorneys will find these recommendations, and system changes, to be useful. Comments and suggestions are welcome so that the commission and the Department of Corrections can consider changes that seem desirable in light of experience in using these Recommendations.

### 3. COMMISSION FINDINGS AND PROPOSALS

The commission, after discussion and a review of research and statistical material, has concluded that there appears to be general support for the use of recommended sentences and in the use of alternative sentences. There is evidence, however, that the system of recommended sentences is not widely used. This observation was one of the findings from a study by Professors Robinson and Aruguete of Lincoln University in 2002 (*Attitudes Toward and the Use of Sentencing Guidelines Among Missouri Circuit Court Judges*). The Office of the State Courts Administrator and the Department of Corrections supported the study and the study is available from the Department of Corrections website <http://www.doc.missouri.gov/>.

The commission considers that a major reason for the lack of reference to the recommended sentences is the difficulty judges have in easily interpreting the sentencing users' manual. The court records may not include the computation of the prior criminal history level and there may not have been a determination of whether there were mitigating or aggravating circumstances surrounding the offense. The selection of an alternative sentence is made more difficult than it need be because the sentencing matrix uses abbreviations to describe the recommended alternative sentences. Finally, not all alternative sentences are available to all court circuits (Section 7, page 41). The following proposals are provided to allow easier use of recommended sentences and alternative sentences:

#### Proposal 1

*The Missouri Department of Corrections and the Board of Probation and Parole will provide the courts with a timely, focused sentencing assessment that will include the calculation of the recommended sentence. A court may decline or waive the assessment if it considers that the delay in sentencing will be burdensome.*

The sentencing assessment will summarize the offender's criminal history, provide a risk assessment, identify the victim impact and develop an offender management plan. It will determine the recommended sentence and the available alternative sentences. If the recommended sentence is a prison term, the report will include the guideline parole eligibility, expressed as a percent of sentence and the average number of months to be served. The report turnaround is tentatively scheduled for 14 days (Section 8, page 43). The assessment will be more concise than the pre-sentence report that it will replace.

#### Proposal 2

*The system of recommended sentences will use an expanded offender risk assessment that includes prior criminal history and other offender characteristics and will use an offense severity grouping to reflect the public concern over different types of crime.*

The commission has also concluded that the system of recommended sentences should be improved to address concerns of many judges that the recommended sentences provide insufficient information on offender risk and in the offense severity (Robinson and Aruguete study, page 16). A statistical analysis of Missouri sentencing by the Department of Corrections has indicated that, for some offenses, the recommended prison

sentences did not reflect typical prison sentences handed down by Missouri courts. The commission wishes to continue to make the recommended sentences reflect current sentencing practice (Appendix D, Page 67). The sentencing data compiled by the Department of Corrections from its offender management database has been used to determine the recommended sentencing dispositions.

### Proposal 3

*The sentencing assessment will be provided to the courts when re-sentencing probation violators.*

The system of recommended sentences is based upon the analysis of the first sentencing decision following a conviction or finding of guilt for a felony offense. The system is intended for reference before sentencing. However, because of the value of an improved offender risk assessment, the commission considers that the sentencing assessment and recommended sentence could also be used when a probationer is before the court for a possible revocation and/or re-sentencing. The Board of Probation and Parole has agreed to provide the sentencing assessment form for probation violators. A finding of the sentencing disparity study is that there is a difference in sentencing between the metropolitan areas and other counties. One explanation for this difference is a lack of local alternative sentencing options in all areas of the state but a wider application of the recommended sentences should also help to reduce the disparity. Guidance on the use of the recommended sentences for probation violators will be developed during the implementation phase.

### Proposal 4.

*The sentencing assessment will include a community risk assessment of sex offenders using tested and validated methods.*

The commission is supportive of the advantages of conducting a risk assessment of sex offenders in the community without the need for a referral to an institutional assessment unit. The Department of Probation and Parole will develop its current sex offender risk assessment tools during the implementation period.

### Proposal 5

*During implementation phase the commission will continue to study fines, court costs and other charges placed upon offenders after a finding of guilt.*

The commission has discussed the advantages and disadvantages of proposing that the legislature review the fine schedule. The fine schedule was last changed in 1977. Increasing the level of fines would provide additional resources for the state and may, as an alternative sanction, result in fewer offenders receiving jail or prison terms. However, with the increase in court costs in recent years and other charges and restitution that offenders are required to pay on a finding of guilty, the commission is concerned about the effects of an increased financial burden upon offenders who do not have the ability to pay.



Proposal 6

*During implementation, the commission will continue to study how to require offenders revoked from probation with outstanding restitution and the ability to pay, to continue restitution after release to parole.*

The commission has discussed the inequality upon victims who are awarded restitution as a condition of probation but who are later denied the restitution because the offender was revoked to prison, thereby canceling the probation. Although the commission is supportive of enforcing restitution when the offer to pay restitution results in an offender receiving a mitigating sentence, the commission is concerned with the increased financial burden upon offenders on prison release.

The commission has undertaken statistical studies of sentencing disparity and death penalty sentencing. These studies, required by statute 558.019.6 RSMo, are included as Sections 9 and 10 respectively.

## **4. A NEW SYSTEM OF RECOMMENDED SENTENCES**

### **4.1. The Offender Risk Assessment**

A new system of recommended sentences will use the 1998 matrix approach to determining the recommended sentence based upon offender risk (prior criminal history in the 1998 matrix) and on offense severity (felony class and offense grouping). The offender risk assessment will be based upon the risk assessment used by the Missouri Board of Probation and Parole.

The assessment will include an expanded number of measures of criminal and supervision behavior, a substance abuse score from an administered test and additional scores for educational attainment, vocational skills and employment status at the time of the offense. Because age is a significant factor in recidivism, the age of the offender is part of the risk score. There will be five levels of offender risk compared to four in the 1998 prior history level. The variables and scaling of the risk score are included in Appendix B, page 64.

The risk assessment will be undertaken as part of the sentence assessment prepared by a probation and parole officer. The risk assessment scale has been validated by a recidivism study of offenders serving prison sentences by the Department of Corrections. The proposed offender risk assessment will also be validated by a new recidivism study undertaken by the Department of Corrections during the implementation phase.

### **4.2 Offense Severity**

Offense severity is based upon the felony class, the type of offense and level of severity. The commission has placed offenses into one of five groups: violent, sex and child abuse, drugs, driving while intoxicated (DWI), or other non-violent offenses. An analysis of sentencing disposition in fiscal year 2003 found that offenses within the same group and felony class were much more likely to receive similar sentences than offenses in other groups. For example, 84.5% of class A violent offenses received a prison sentence while only 25.2% of class A drug offenses received a prison sentence. There was also a difference in the sentence length for those offenders who were sentenced to prison (19.5 years for class A violent offenses compared to 13.1 years for class A drug offenses). The definition of the five offense groups using the National Crime Information Center (NCIC) coding and the Missouri charge codes is included in Appendix C, page 66.

When offenses were aggregated by offense group and felony class, however, the statistical analysis showed that there was still variation in sentencing within the groups. The commission has decided, therefore, to divide each offense group and felony class into three levels of offense severity. The calculation of the severity level was based upon a statistical calculation using the mean and standard deviation for each offense group. The standard deviation is a measure of dispersion around the arithmetic mean of the offense group.

Offenses that have a significantly higher average prison sentence (one standard deviation) or a higher percent prison disposition than the averages for the group are placed in level I

and those offenses that have significantly lower averages are placed in level III. Not all offense groups need three levels of offense severity. The statistical calculations are shown in the offense severity listing for each offense group in the recommended sentences. The statistical calculations were based upon analysis of all new sentencing from 1999 to 2003.

#### 4.3 Aggravating and Mitigating Offense Circumstances

In the 1998 system of recommended sentences, the aggravating and mitigating circumstances apply to all offenses. In the new system that the commission is proposing, aggravating and mitigating circumstances are specific to each offense group. The aggravating and mitigating circumstances are concerned with issues of victim impact and with offender willingness to make restitution or to address rectification of criminally related behavior, such as substance abuse treatment. An avoidance of criminal behavior is no longer a mitigating factor because crime-free living is measured in the offender risk assessment. The Commission was supportive of making an extensive criminal history an aggravating condition because the risk assessment includes only two prior convictions and one prior incarceration. However, offenders with two or more felony convictions can be sentenced as a prior and persistent offender (section 558.016 RSMo.). The validation of the new risk scale will test for extending the prior conviction range.

#### 4.4 Recommended Sentences

The 1998 sentencing matrix showed a sentence range together with the recommended alternative sentences. The new system of recommended sentences gives only the recommended sentence, without a range. If the recommended sentence is not a prison sentence but probation, enhanced probation using community structured sentencing or an institutional shock or treatment program, then the recommended sentence is the alternative sentence. The construction of the recommended sentences reflects the pattern of sentencing in fiscal year 2003 from the data in the Department of Corrections offender database. The analysis included all felony convictions by offenders under the supervision or incarceration by the Department of Corrections. The fiscal year 2003 sentencing averages are shown above each matrix of the recommended sentences for comparison purposes. The sentencing averages refer to the first sentence. Re-sentences of offenders who had a sentence revoked while under supervision were excluded from the analysis.

## 5. RECOMMENDED SENTENCE REFERENCES

- 5.1 The following references are made to statutes that define either the sentence disposition, the range within which an authorized sentence can be set or the incarceration time. The Revised Missouri Statutes are available online at <http://www.moga.state.mo.us/homestat.asp>. Reference can also be made to the Missouri Board of Probation and Parole booklet on Procedures Governing the Granting of Paroles and Conditional Release, <http://www.doc.missouri.gov/pdf/Blue%20book.pdf>.
- 5.2 Authorized dispositions for felony convictions include a term of imprisonment, a fine (if the offense is a class C or D felony, Section 560.111 RSMo.) and a period of probation. In addition, the execution of the sentence may be suspended and the person placed on probation or the imposition of the sentence may be suspended, with or without placing the person on probation (Section 557.011 RSMo.).
- 5.3 The Missouri statutes have provisions for enhanced sentencing, when an offender is deemed to be a prior and persistent recidivist, and for a minimum prison time when the offender is deemed to be a recidivist or has been convicted of a dangerous felony. Unless specifically excluded by statute, felony convictions can be sentenced to either probation or to a prison sentence (559.012 RSMo.). In Missouri, a probation term is often accompanied with a suspended prison sentence. When probation is revoked, the prison sentence can be imposed or the offender can be sentenced under the 120-day statutes.
- 5.4 Recidivists  
An offender sentenced as a recidivist to an enhanced sentence (Section 558.016 RSMo.) is excluded from the sentencing recommendations.
- 5.5 Attempt or Conspiracy to Commit an Offense  
Offenders convicted of the attempt or conspiracy are sentenced in accordance with Sections 564.011 and 564.016 RSMo. The sentencing recommendations include sentences at one felony class lower than the commitment of the offense.
- 5.6 Sentencing Statutes  
**Section 558.011 RSMo. Authorized terms of imprisonment including conditional release**
- |                |                        |
|----------------|------------------------|
| Felony Class A | 10 to 30 years or life |
| Felony Class B | 5 to 15 years          |
| Felony Class C | Not to exceed 7 years  |
| Felony Class D | Not to exceed 4 years  |

The probation term for a felony conviction is from one to five years (Section 559.016 RSMo.).

In cases of class C and D felonies, the court shall have discretion to imprison for a special term not to exceed one year in the county jail or other authorized penal institution. If the

court imposes a sentence of imprisonment for a term longer than one year upon a person convicted of a class C or D felony, it shall commit the person to the custody of the Department of Corrections for a term of years not less than two years and not exceeding the maximum authorized term.

**Section 558.016 RSMo. Extended Terms for Persistent Offenders** (guilty of two or more felonies at different times) and dangerous offenders (guilty of a prior Class A or B felony and knowingly murdered or endangered the life or inflicted serious physical injury on another person)

Class A felony: any authorized sentence for a Class A felony

Class B felony: any sentence authorized for a Class A felony

Class C felony: any sentence authorized for a Class B felony

Class D felony: any sentence authorized for a Class C felony

**Section 558.019 RSMo. Minimum Prison Terms** for persons with prior prison commitments by the department of corrections {excluding regimented discipline (Section 217.378 RSMo.), 120-day programs (Section 559.115 RSMo.) or the long-term drug program (Section 217.362 RSMo.)} and serving a sentence other than in Chapter 195 RSMo. (drug offenses).

One prior commitment 40% of sentence (or until the age of 70 with 30% of the sentence served).

Two prior commitments 50% of sentence (or until the age of 70 with 40% of the sentence served).

Three or prior commitments 80% of sentence (or until the age of 70 with 40% of the sentence served).

Guilty of a dangerous felony 85% of sentence

In addition, there are enhanced sentences and minimum prison terms for persistent and predatory sexual offenders (Section 558.018 RSMo.), prior and persistent domestic violence offenders (Section 565.063 RSMo.) and prior and persistent drug offenders (Sections 195.285 to 195.296 RSMo.).

## 5.7 Parole Restrictions

**Armed Criminal Action** (Section 571.015 RSMo.). For the first conviction, the minimum period is three years; for a second conviction, the minimum period is five years and for the third conviction, the minimum period is ten years.

**Pharmacy Robbery in the first degree** (Section 569.025 RSMo.) The minimum period is ten years.

**Pharmacy Robbery in the second degree** (Section 569.035 RSMo.) The minimum period is five years.

**Capital Murder** (Section 569.035 RSMo.). The minimum term is 50 years.

**Sex offenses.** Offenders imprisoned for sex offenses shall complete the Missouri Sex Offender Program before release to parole (Section 589.040 RSMo.).

**Unlawful Use of a Weapon** (Section 558.016 RSMo.). Prior offenders shall serve at least ten years. Persistent offenders are not eligible for probation, parole or conditional release (Section 571.030 RSMo.).

**Prior or Persistent Domestic Violence Offender** (Section 565.0690 RSMo.) shall serve a minimum of six months before probation or parole.

**High School Diploma/GED.** The Board shall not order a parole unless the offender has obtained a high school diploma or its equivalent unless the offender has made a good faith effort. (Section 217.690 RSMo.).

5.8 Non-Parole Offenses

**Murder First Degree** (Section 565.020 RSMo.), **Persistent Sexual Offender** (Section 558.018 RSMo.), **Tampering with Victim/ Witness** (Section 575.270 RSMo.), **Drug Trafficking Offenses** (Sections 195.222, 195.291, 195.292, 195.295, 195.296 RSMo.)

5.9 Dangerous Felonies.

The list of offenses defined as dangerous felonies on June 27, 2003 are:  
Forcible Rape, Forcible Sodomy, Robbery 1<sup>st</sup>, Murder 2<sup>nd</sup>, Kidnapping, Arson 1<sup>st</sup>, Assault 1<sup>st</sup>, Attempted Forcible Rape with physical injury, Attempted Forcible Sodomy with physical injury, Assault of a Law Officer 1<sup>st</sup>, Domestic Assault 1<sup>st</sup>, Elder Abuse 1<sup>st</sup>, Statutory Rape when the victim was less than 12, Statutory Sodomy when the victim was less than 12 and Abuse of a Child if the offense results in the death of the child.

5.10 Alternative Sentences

The expression “SHK/TRT” in the sentencing grids means any shock or treatment, 120-day, 180-day or long-term drug program as specified in statute (Sections 559.115, 217.362, 217.364, 217.378 RSMo.).

The expression “CSS” means Community Structured Supervision. The community sanctions and available programs are listed in Section 7, page 41.

5.11 Eligibility for shock or treatment programs

Excluded are persons who have been convicted of murder in the second degree pursuant to Section 565.021 RSMo; forcible rape pursuant to Section 566.030 RSMo; forcible sodomy pursuant to Section 566.060 RSMo; statutory rape in the first degree pursuant to Section 566.032 RSMo; statutory sodomy in the first degree pursuant to Section 566.062 RSMo; child molestation in the first degree pursuant to Section 566.067 RSMo, when classified as a class B felony; abuse of a child pursuant to Section 568.060 RSMo, when classified as a class A felony; an offender who has been found to be a predatory sexual offender pursuant to Section 558.018 RSMo; or any offense in which there exists a statutory prohibition against either probation or parole.

If the recommended sentence is an institutional shock or treatment program and the offender is ineligible or the offender has already been placed in a similar program within the last three years, then the recommended sentence shall be either a longer or a more intensive treatment program or a prison sentence. The recommended term sentence will normally be the minimum authorized sentence.

## 5.12 Definitions of terms used in the Recommended Sentences

1998 Recommended Prison Sentence. The average prison sentence of the 1998 recommended sentences. Because the 1998 recommended sentences were shown as ranges the average sentence is taken at the mid-point of the range.

CSS. A community structured sentence that indicates a higher level of supervision than probation. The supervision can include a requirement to complete either a substance abuse or other rehabilitative program. The range and availability of community structured sentences are described in Section 7, page 41.

Felony Class. The felony class as defined in statute. Unclassified felony offenses are separately listed in the recommended sentences. Convictions of the attempt, accessory or conspiracy (inchoate offenses) are made at one felony class lower than the commitment of the offenses (Chapter 564). Recommended sentences are computed for inchoate offenses.

Mitigating, Presumptive and Aggravating. An indicator of whether special conditions were present in the commission of the offense.

Offense Group. Five groups of offenses that have similar sentencing.

Offense Severity. The splitting of offense groups into one of the three levels to reflect the severity of sentencing practice. Not all felony class and offense groups require three levels of offense severity.

Offender Risk. A quantitative assessment of the risk of a person committing further crimes or violating the conditions of supervision. It is based upon a validated assessment of risk by the Board of Probation and Parole and it includes both prior criminal history and other behavioral and demographic factors. The risk score is from Excellent, with the lowest level of risk, to Poor, with the highest level of risk, with five levels of risk.

Percent Prison Disposition. The percent of convictions supervised by the Department of Corrections that received a prison sentence. Offenders who received probation or were sentenced under the 120-day or long-term drug statutes are not counted as prison sentences.

Prison Sentence. The average sentence of those persons who received a prison sentence. It does not include the prison sentence when the prison sentence was suspended or when the offender was sentenced under Sections 559.115 or 217.262 RSMo.

SHK/TRT. A disposition that requires a short prison stay under the 120-day or long-term drug statutes. If the offender is successful the offender is released to probation under court jurisdiction and the offender will be supervised in a community-structured program when released to probation.



## 5.13 How to Use the Recommended Sentences Matrices

### *Example 1*

A person is convicted of Burglary 2<sup>nd</sup>. The sentence assessment report contains the following information about the recommended sentence:

Offender Risk. The risk assessment lists the scoring for each of the risk variables and indicates that the offender risk is **Above Average**.

Burglary 2<sup>nd</sup> is a Class C, non-violent offense that has been given a level I (most severe) of offense risk.

From the circumstances of the offense the court determines that there were no mitigating or aggravating conditions.

The recommended sentence is a community-structured sentence.

If the offender risk was **Poor**, then the recommended presumptive sentence would have been a prison sentence of 6 years. The Board of Probation and Parole Guideline prison term before parole is 36 months (50%) and the Board guideline range is from 32 months to 48 months (Appendix E, page 68).

### *Example 2*

A person is convicted of Robbery 1<sup>st</sup>. The sentence assessment report contains the following information about the recommended sentence:

Offender Risk. The sentence assessment report indicates that the offender has an **Excellent** risk score.

Robbery 1<sup>st</sup> is a class A, violent, level II offense (medium severity).

If the conditions of the offense are presumptive, then the recommended sentence is 10 years.

If there were mitigating circumstances then the recommended sentence is a community-structured sentence.

If the offender is sentenced to prison, then the offender will serve 85% before becoming eligible for parole because Robbery 1<sup>st</sup> is a dangerous felony.

If the offender was convicted of attempted Robbery 1<sup>st</sup>, then the offense severity is class B, violent, level II and the presumptive recommended sentence for an **Excellent** risk is a community-structured sentence.

If there were aggravating circumstances then the recommended sentence would be shock or 120-day treatment.

If the offender risk was **Above Average** and the offender was convicted of attempted Robbery 1<sup>st</sup>, the recommended sentence would be 6 years. Because the offender would not be sentenced as a dangerous felon, the Board of Probation and Parole guideline prison term would be 29 months (40%) with a range from 25 months to 32 months.

If an offender has a minimum mandatory prison term then the guideline term would reflect that statutory requirement if the prison term was longer than the guideline term.

Note:

If an offense is not listed in the level of offense severity in the recommended sentences the severity level will be level II.

## 6. RECOMMENDED SENTENCES

### Violent Offenses

Felony Class		Offender Risk				
		Excellent	Above Average	Average	Below Average	Poor
<b>Class A</b>	<i>Data FY03</i>					
	<i>Percent Prison Disposition</i>	77.5%	94.4%	95.7%	95.7%	95.7%
	<i>Ave. Prison Sentence</i>	19.1	19.1	20.8	22.4	22.4
	<i>1998 Recommended Prison Sentence</i>	13.0	15.0	17.0	19.0	19.0
	<b>Level 1</b>					
	Mitigating	Shk/Trt	10	15	20	25
	Presumptive	12	15	20	25	30
	Aggravating	15	20	25	30	30
	<b>Level II</b>					
	Mitigating	CSS	Shk/Trt	10	15	20
	Presumptive	10	12	15	20	25
	Aggravating	14	16	20	25	30
	<b>Level III</b>					
	Mitigating	Probation	Shk/Trt	10	12	15
	Presumptive	Shk/Trt	10	12	15	17
	Aggravating	12	14	15	17	20
	<b>Offense Severity</b>					
<b>Class B</b>	<i>Data FY03</i>					
	<i>Percent Prison Disposition</i>	52.5%	77.9%	91.7%	72.7%	72.7%
	<i>Ave. Prison Sentence</i>	8.9	8.7	10.8	12.2	12.2
	<i>1998 Recommended Prison Sentence</i>	7.0	9.0	13.0	17.0	17.0
	<b>Level 1</b>					
	Mitigating	CSS	Shk/Trt	6	8	10
	Presumptive	Shk/Trt	6	8	10	12
	Aggravating	6	8	10	12	15
	<b>Level II</b>					
	Mitigating	Probation	CSS	Shk/Trt	7	9
	Presumptive	CSS	Shk/Trt	7	9	11
	Aggravating	Shk/Trt	7	9	11	12
	<b>Level III</b>					
	Mitigating	Probation	CSS	Shk/Trt	5	7
	Presumptive	CSS	Shk/Trt	5	7	8
	Aggravating	Shk/Trt	5	7	8	10
	<b>Offense Severity</b>					
<b>Class C</b>	<i>Data FY03</i>					
	<i>Percent Prison Disposition</i>	23.8%	49.2%	64.3%	50.0%	50.0%
	<i>Ave. Prison Sentence</i>	5.3	5.0	6.6	5.8	5.8
	<i>1998 Recommended Prison Sentence</i>	2.5	4.5	6.5	8.5	8.5
	<b>Level 1</b>					
	Mitigating	CSS	CSS	Shk/Trt	3	5
	Presumptive	Shk/Trt	Shk/Trt	4	5	7
	Aggravating	3	4	5	7	7
	<b>Level II</b>					
	Mitigating	Probation	CSS	CSS	Shk/Trt	4
	Presumptive	CSS	Shk/Trt	3	4	5
	Aggravating	Shk/Trt	3	4	5	7
	<b>Level III</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	3
	Presumptive	Probation	CSS	Shk/Trt	3	4
	Aggravating	CSS	Shk/Trt	3	4	6
	<b>Offense Severity</b>					

Felony Class		Offender Risk				
		Excellent	Above Average	Average	Below Average	Poor
<b>Class D</b>	<i>Data FY03</i>					
	<i>Percent Prison Disposition</i>	20.0%	11.1%	25.0%	25.0%	25.0%
	<i>Ave. Prison Sentence</i>	4.4	3.0	4.0	5.0	5.0
	<i>1998 Recommended Prison Sentence</i>	1.0	1.5	2.0	4.0	4.0
	<b>Level I</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	3
	Presumptive	CSS	CSS	Shk/Trt	3	4
	Aggravating	Shk/Trt	Shk/Trt	3	4	4
	<b>Level II</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	2
	Presumptive	CSS	CSS	Shk/Trt	2	3
	Aggravating	Shk/Trt	Shk/Trt	2	3	4
	<b>Level III</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	2
	Presumptive	CSS	CSS	Shk/Trt	2	2
	Aggravating	Shk/Trt	Shk/Trt	2	2	3

### Aggravating Factors

#### Serious Aggravating Factors

- The offender's conduct was especially heinous, atrocious or cruel.
- The defendant knowingly created a great risk of death or serious physical injury to more than one person.
- The defendant used a dangerous or deadly weapon during the commission of the offense or during the arrest and has not been convicted of an offense that includes the use of a dangerous or deadly weapon.
- Serious aggravating factors shall not be offset by mitigating factors

#### Other Aggravating Factors

- The defendant was armed with a dangerous or deadly weapon during the commission of the offense or during the arrest and has not been convicted of an offense that includes the possession of a dangerous or deadly weapon.
- The defendant caused severe financial loss to the victim of the offense. There has been loss of business, employment or serious financial loss when the value of the loss is not included in the offense for which the defendant has been convicted.
- The defendant made, or expected to make, a substantial financial gain from the commission of the offense.
- The defendant caused severe physical or emotional trauma to the victim of the offense. The victim has required medical or mental health intervention and the impact of the trauma is not included in the offense for which the defendant has been convicted.
- Any other aggravating factors reasonably related to the purposes of sentencing, as specified by the court or by the sentence assessment report

### Mitigating Factors

- The defendant has made or is making restitution to the victim.
- For offenses related to drug or alcohol dependency the offender has agreed to enter or has entered a drug or alcohol treatment program and there is a plan for continuing relapse prevention. Not to apply if the sentence involves placement in a drug or alcohol treatment program.
- The defendant used caution to avoid risk or injury to others and caused no injury, financial loss or trauma to the victim. Not to apply when the offender has been convicted of the attempt of the offense.
- The defendant has cooperated with law enforcement.
- Any other mitigating factors reasonably related to the purposes of sentencing, as specified by the court or by the sentence assessment report.

## LEVEL OF OFFENSE SEVERITY

### Class A Violent

Offense	Description	Offense Severity Level	Sentence Count	of which Prison	Ave. Prison Sent. Yrs.	Group Averages Prison Sentence		Ave. Percent Prison Disp.	Group Averages Percent Prison Disposition	
						Mean	Std Dev.		Mean	Std Dev.
						Yrs.	Yrs.		%	%
10021	Murder 1St Degree	I	264	264	29.8	19.9	5.4	100.0	79.2	15.9
10031	Murder 2Nd Degree	I	575	572	23.4	19.9	5.4	99.5	79.2	15.9
17012	Arson 1St Degree Causing Serious Physical Injury Or Death	I	1	1	30.0	19.9	5.4	100.0	79.2	15.9
12010	Robbery 1St Degree	II	1,070	747	14.9	19.9	5.4	69.8	79.2	15.9
12035	Pharmacy Robbery First Degree	II	4	3	18.3	19.9	5.4	75.0	79.2	15.9
13011	Assault 1St Degree - Serious Physical Injury	II	316	200	17.0	19.9	5.4	63.3	79.2	15.9
13100	Assault Of Law Enforcement Officer First Degree	II	51	35	18.7	19.9	5.4	68.6	79.2	15.9
16010	Kidnapping	II	49	33	17.3	19.9	5.4	67.3	79.2	15.9
31151	Dischrg Frarm At/Or Frm A Motor Veh Or Shoot At Pers,Veh,Build-Inj	II	6	6	10.8	19.9	5.4	100.0	79.2	15.9
13009	Domestic Assault-1St Degree Serious Physical Injury	III	18	11	15.4	19.9	5.4	61.1	79.2	15.9
13025	Domestic Assault Persistent Domestic Violence Offender	III	2	1	10.0	19.9	5.4	50.0	79.2	15.9
13027	Domestic Assault Prior Domestic Violence Offender	III	2	1	10.0	19.9	5.4	50.0	79.2	15.9
13060	Assault With Intent To Commit Bus Hijack Ing With Weapon	III	2	-	-	19.9	5.4	-	79.2	15.9
36007	Recklessly Infect Another W/Hiv When Actor Knowingly Infected	III	1	-	-	19.9	5.4	-	79.2	15.9
36322	Elder Abuse 1St Degree	III	6	1	15.0	19.9	5.4	16.7	79.2	15.9

### Class B Violent

Offense	Description	Offense Severity Level	Sentence Count	of which Prison	Ave. Prison Sent. Yrs.	Group Averages Prison Sentence		Ave. Percent Prison Disp.	Group Averages Percent Prison Disposition	
						Mean	Std Dev.		Mean	Std Dev.
						Yrs.	Yrs.		%	%
10021	Murder 1St Degree, Attempt	I	19	16	11.9	9.6	1.1	84.2	53.6	14.7
10031	Murder 2Nd Degree, Attempt	I	4	4	11.8	9.6	1.1	100.0	53.6	14.7
10041	Voluntary Manslaughter	I	133	119	11.7	9.6	1.1	89.5	53.6	14.7
12045	Pharmacy Robbery Second Degree	I	5	4	10.5	9.6	1.1	80.0	53.6	14.7
16020	Kidnapping - Facilitating Commission Of A Felony Or Flight	I	156	114	11.8	9.6	1.1	73.1	53.6	14.7
31154	Aid/Abet A Person Discharging A Firearm At Or From Motor Vehicle	I	2	2	10.0	9.6	1.1	100.0	53.6	14.7
12010	Robbery 1St Degree, Attempt	II	241	141	9.3	9.6	1.1	58.5	53.6	14.7
12020	Robbery 2Nd Degree	II	1,538	736	9.4	9.6	1.1	47.9	53.6	14.7
13020	Assault 1St Degree	II	551	298	10.0	9.6	1.1	54.1	53.6	14.7
13071	Violence To An Employee Of Dept Of Corr Or To Inmate By Inmate	II	95	94	8.3	9.6	1.1	98.9	53.6	14.7
16010	Kidnapping, Attempt	II	4	2	8.5	9.6	1.1	50.0	53.6	14.7
31152	Dischrg Frarm At/Or Frm A Mtr Veh Or Shoot At Pers, Veh, Build/Stru	II	13	6	10.3	9.6	1.1	46.2	53.6	14.7
31180	Gun,Knife,Weapon Or Other Article That M Ay Be Used To Endanger	II	25	23	8.1	9.6	1.1	92.0	53.6	14.7
31182	Del/Attmpt To Deliver Poss/Dep/Conc Gun Kni/Weap/Other At Corr/Fa	II	1	1	5.0	9.6	1.1	100.0	53.6	14.7
31195	Dan/Weapon In A Correction Facility That Will Endanger Prisoner Or I	II	10	7	6.7	9.6	1.1	70.0	53.6	14.7
13015	Domestic Assault 1St Degree	III	66	22	8.7	9.6	1.1	33.3	53.6	14.7
13032	Domestic Assault-2Nd Degree- Prior Domestic Assault Offender	III	1	-	-	9.6	1.1	-	53.6	14.7
13110	Assault On Law Enforcement Officer Second Degree	III	314	137	8.2	9.6	1.1	43.6	53.6	14.7
13112	Assault On Emergency Personnel 2Nd Degree	III	1	-	-	9.6	1.1	-	53.6	14.7
13115	Assault On A Law Enforcement While Intox Alcohol/Drug/Vehicular	III	5	3	6.3	9.6	1.1	60.0	53.6	14.7
17010	Arson 1St Degree	III	87	25	7.4	9.6	1.1	28.7	53.6	14.7
17022	Arson 2Nd Degree Causing Serious Physical Injury Or Death	III	4	-	-	9.6	1.1	-	53.6	14.7
28100	Aiding Escape Of Prisoner By Deadly Weapon Or Dangerous Instrumen	III	1	-	-	9.6	1.1	-	53.6	14.7
36324	Elder Abuse 2Nd Degree	III	1	-	-	9.6	1.1	-	53.6	14.7

## Class C Violent

Offense	Description	Offense Severity Level	Sentence Count	of which Prison	Ave. Prison Sent. Yrs	Group Averages Prison Sentence		Ave. Percent Prison Disp	Group Averages Percent Prison Disposition	
						Mean Yrs.	Std Dev. Yrs		Mean %	Std Dev. %
10041	Voluntary Manslaughter, Attempt	I	3	2	6.5	5.3	0.7	66.7	31.0	12.0
10051	Involuntary Manslaughter-1St Degree	I	290	173	6.5	5.3	0.7	59.7	31.0	12.0
10053	Involuntary Manslaughter Vehicular-Intoxicated	I	120	57	6.8	5.3	0.7	47.5	31.0	12.0
13080	Violence Or Injury To Persons Or Property By An Inmate	I	2	1	5.0	5.3	0.7	50.0	31.0	12.0
13110	Assault On Law Enforcement Officer Second Degree	I	15	7	5.0	5.3	0.7	46.7	31.0	12.0
16010	Kidnapping, Attempt	I	2	2	6.0	5.3	0.7	100.0	31.0	12.0
16020	Kidnapping - Facilitating Commission Of A Felony Or Flight, Attempt	I	7	6	8.2	5.3	0.7	85.7	31.0	12.0
16030	Felonious Restraint	I	362	187	5.8	5.3	0.7	51.7	31.0	12.0
12020	Robbery 2Nd Degree, Attempt	II	209	89	4.6	5.3	0.7	42.6	31.0	12.0
13031	Assault 2Nd Degree	II	3,508	1,007	5.2	5.3	0.7	28.7	31.0	12.0
13071	Violence To An Employee Of Dept Of Corr Or To Inmate By Inmate	II	29	29	2.6	5.3	0.7	100.0	31.0	12.0
13075	Offender Abuse By An Employee Of Dept Of Corrections	II	2	1	3.0	5.3	0.7	50.0	31.0	12.0
17010	Arson 1St Degree, Attempt	II	20	6	5.2	5.3	0.7	30.0	31.0	12.0
28055	Escape From Confinement By Force	II	4	3	2.7	5.3	0.7	75.0	31.0	12.0
31180	Gun,Knife,Weapon Or Other Article That May Be Used To Endanger L	II	1	1	3.0	5.3	0.7	100.0	31.0	12.0
31195	Dan/Weapon In A Correction Facility That Will Endanger Prisoner Or E	II	2	2	3.0	5.3	0.7	100.0	31.0	12.0
34210	Aggravated Stalking-2Nd Offense	II	2	1	4.0	5.3	0.7	50.0	31.0	12.0
12045	Pharmacy Robbery Second Degree	III	1	-	-	5.3	0.7	-	31.0	12.0
13020	Assault 1St Degree, Attempt	III	11	2	5.0	5.3	0.7	18.2	31.0	12.0
13029	Domestic Assault 2Nd Degree	III	946	208	4.4	5.3	0.7	22.0	31.0	12.0
13033	Assault 2Nd Degree - Vehicular Injury	III	411	64	4.8	5.3	0.7	15.6	31.0	12.0
13034	Assault Watercraft 2Nd Degree	III	1	-	-	5.3	0.7	-	31.0	12.0
13070	Assault With Intent To Commit Bus Hijack	III	1	-	-	5.3	0.7	-	31.0	12.0
13090	Unlawful Endangerment Of Another In Protecting The Prod Of Control	III	1	-	-	5.3	0.7	-	31.0	12.0
13130	Tampering With Judicial Officer	III	1	-	-	5.3	0.7	-	31.0	12.0
36324	Elder Abuse 2Nd Degree	III	1	-	-	5.3	0.7	-	31.0	12.0

## Class D Violent

Offense	Description	Offense Severity Level	Sentence Count	of which Prison	Ave. Prison Sent. Yrs.	Group Averages Prison Sentence		Ave. Percent Prison Disp.	Group Averages Percent Prison Disposition	
						Mean Yrs.	Std Dev. Yrs.		Mean %	Std Dev. %
10052	Involuntary Manslaughter 2Nd Degree	I	50	20	4.6	4.2	2.4	40.0	18.6	13.2
16040	False Imprisonment-Removed From State	I	5	2	5.0	4.2	2.4	40.0	18.6	13.2
16090	Child Abduction	I	20	2	17.5	4.2	2.4	10.0	18.6	13.2
28055	Escape From Confinement By Force	I	5	3	5.0	4.2	2.4	60.0	18.6	13.2
13017	Domestic Assault 3Rd Degree 3Rd/Subsequent Offense	II	51	3	3.3	4.2	2.4	5.9	18.6	13.2
13029	Domestic Assault 2Nd Degree, Attempt	II	10	2	3.5	4.2	2.4	20.0	18.6	13.2
13031	Assault 2Nd Degree, Attempt	II	43	12	3.4	4.2	2.4	27.9	18.6	13.2
13039	Assault 3Rd Degree With Physical Injury 3Rd Subsequent Offense	II	47	10	2.8	4.2	2.4	21.3	18.6	13.2
13055	Assault While On School Property	II	30	2	2.5	4.2	2.4	6.7	18.6	13.2
16030	Felonious Restraint, Attempt	II	10	2	4.5	4.2	2.4	20.0	18.6	13.2
16080	Parental Kidnapping	II	20	3	3.3	4.2	2.4	15.0	18.6	13.2
34220	Aggravated Stalking-1St Offense Or Stalking 2Nd Offense	II	43	8	3.5	4.2	2.4	18.6	18.6	13.2
13030	Assault 2Nd Degree, Attempt	III	13	-	-	4.2	2.4	-	18.6	13.2
13033	Assault 2Nd Degree - Vehicular Injury, Attempt	III	1	-	-	4.2	2.4	-	18.6	13.2
13034	Assault Watercraft 2Nd Degree	III	3	-	-	4.2	2.4	-	18.6	13.2
13045	Assault Motivated By Discrimination 3Rd Degree	III	3	-	-	4.2	2.4	-	18.6	13.2
16060	Interference With Custody	III	7	-	-	4.2	2.4	-	18.6	13.2
31152	Dischrg Frarm At/Or Frm A Mtr Veh Or Shoot At Pers, Veh, Build/Stru	III	1	-	-	4.2	2.4	-	18.6	13.2
34055	Harassment Motivated Bv Discrimi- Nation Frighten/Disturb Anoth Per	III	1	-	-	4.2	2.4	-	18.6	13.2
34074	Make A Terrorist Threat W Reck- Less Disregard Of Causing Evac/Clo	III	2	-	-	4.2	2.4	-	18.6	13.2
34110	Ethnic Intimidation 2Nd Degree	III	2	-	-	4.2	2.4	-	18.6	13.2

Any unlisted offense will have level II severity.

## Recommended Sentences for Sex and Child Abuse Felonies

Felony Class			Offender Risk				
			Excellent	Above Average	Average	Below Average	Poor
<b>Class A</b>	<i>Data FY03</i>						
	<i>Percent Prison Disposition</i>		82.2%	97.3%	100.0%	100.0%	100.0%
	<i>Ave. Prison Sentence</i>		13.9	19.2	21.7	24.6	24.6
	<i>1998 Recommended Prison Sentence</i>		12.5	14.5	16.5	18.5	18.5
	<b>Offense Severity</b>	<b>Level 1</b>					
		Mitigating	Shk/Trt	10	15	20	25
		Presumptive	12	15	20	25	30
		Aggravating	15	20	25	30	30
		<b>Level II</b>					
		Mitigating	CSS	Shk/Trt	10	15	20
		Presumptive	Shk/Trt	12	15	20	25
		Aggravating	12	15	20	25	30
		<b>Level III</b>					
		Mitigating	CSS	CSS	10	12	15
		Presumptive	CSS	Shk/Trt	12	15	20
		Aggravating	10	12	15	20	25
<b>Class B</b>	<i>Data FY03</i>						
	<i>Percent Prison Disposition</i>		54.9%	75.0%	100.0%	100.0%	72.7%
	<i>Ave. Prison Sentence</i>		8.9	9.0	11.0	11.0	11.0
	<i>1998 Recommended Prison Sentence</i>		6.0	7.0	8.0	9.5	9.5
	<b>Offense Severity</b>	<b>Level 1</b>					
		Mitigating	CSS	Shk/Trt	7	8	10
		Presumptive	Shk/Trt	7	8	10	15
		Aggravating	7	8	10	15	15
		<b>Level II</b>					
		Mitigating	CSS	Shk/Trt	6	7	8
		Presumptive	Shk/Trt	5	7	8	10
		Aggravating	5	7	8	10	15
		<b>Level III</b>					
		Mitigating	Probation	CSS	5	6	7
		Presumptive	CSS	Shk/Trt	6	7	8
		Aggravating	5	6	7	8	10
<b>Class C</b>	<i>Data FY03</i>						
	<i>Disposition</i>		32.8%	51.7%	57.1%	85.7%	85.7%
	<i>Ave. Sentence</i>		5.6	6.3	7.0	7.0	7.0
	<i>1998 Recommended Prison Sentence</i>		2.5	3.5	5.5	8.5	8.5
	<b>Offense Severity</b>	<b>Level 1</b>					
		Mitigating	Probation	CSS	Shk/Trt	3	5
		Presumptive	CSS	Shk/Trt	4	5	6
		Aggravating	3	4	5	6	7
		<b>Level II</b>					
		Mitigating	Probation	CSS	Shk/Trt	2	4
		Presumptive	CSS	Shk/Trt	3	4	5
		Aggravating	Shk/Trt	3	4	5	6
		<b>Level III</b>					
		Mitigating	Probation	CSS	Shk/Trt	2	3
		Presumptive	CSS	Shk/Trt	2	3	4
		Aggravating	Shk/Trt	2	3	4	5

Felony Class		Offender Risk				
		Excellent	Above Average	Average	Below Average	Poor
<i>Data FY03</i>						
<b>Class D</b>	<i>Percent Prison Disposition</i>	10.0%	45.7%	50.0%	50.0%	50.0%
	<i>Ave. Prison Sentence</i>	3.8	3.8	4.3	4.3	4.3
	<i>1998 Recommended Prison Sentence</i>	1.0	1.5	2.0	4.0	4.0
Offense Severity	<b>Level 1</b>					
	Mitigating	Probation	CSS	Shk/Trt	Shk/Trt	4
	Presumptive	CSS	Shk/Trt	Shk/Trt	4	4
	Aggravating	Shk/Trt	2	3	4	4
	<b>Level II</b>					
	Mitigating	Probation	CSS	Shk/Trt	Shk/Trt	3
	Presumptive	CSS	CSS	Shk/Trt	2	3
	Aggravating	Shk/Trt	Shk/Trt	2	3	4
	<b>Level III</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	2
	Presumptive	Probation	CSS	Shk/Trt	2	2
	Aggravating	CSS	Shk/Trt	2	2	3

### Aggravating Factors

#### Serious Aggravating Factors

- The offender's conduct was especially heinous, atrocious or cruel.
- The defendant knowingly created a great risk of death or serious physical injury to more than one person.
- The defendant used a dangerous or deadly weapon during the commission of the offense or during the arrest and has not been convicted of an offense that includes the use of a dangerous or deadly weapon.
- The offender has a prior felony conviction under Chapter 566 and the statute of the offense does not include the prior conviction.
- Serious aggravating factors shall not be offset by mitigating factors.

#### Other Aggravating Factors

- The defendant was armed with a dangerous or deadly weapon during the commission of the offense or during the arrest and has not been convicted of an offense that includes the possession of a dangerous or deadly weapon.
- The defendant caused severe financial loss to the victim of the offense. There has been loss of business, employment or serious financial when the value of the loss is not included in the offense for which the defendant has been convicted.
- The defendant caused severe physical or emotional trauma to the victim of the offense. The victim has required medical or mental health intervention and the impact of the trauma is not included in the offense for which the defendant has been convicted.
- Any other aggravating factors reasonably related to the purposes of sentencing, as specified by the court or by the sentence assessment report.

### Mitigating Factors

- The defendant has made or is making restitution to the victim.
- For offenses related to drug or alcohol dependency the offender has agreed to enter or has entered a drug or alcohol treatment program and there is a plan for continuing relapse prevention. Not to apply if the sentence involves placement in a drug or alcohol treatment program.
- The defendant used caution to avoid risk or injury to others and caused no injury, financial loss or trauma to the victim. Not to apply when the offender has been convicted of the attempt of the offense.
- The defendant has cooperated with law enforcement.
- Any other mitigating factors reasonably related to the purposes of sentencing, as specified by the court or by the sentence assessment report



## LEVEL OF OFFENSE SEVERITY

### Class A Sex and Child Abuse

Offense	Description	Offense Severity Level	Sentence Count	of which Prison	Ave. Prison Sent. Yrs.	Group Averages Prison Sentence		Ave. Percent Prison Disp.	Group Averages Percent Prison Disposition	
						Mean Yrs.	Std Dev. Yrs.		Mean %	Std Dev. %
11015	Forcible Rape	I	57	50	19.5	16.8	1.6	87.7	70.8	9.8
11071	Forcible Sodomy-With Deadly Weapon Or Serious Physical Injury	I	10	10	18.7	16.8	1.6	100.0	70.8	9.8
22102	Child Molest-1St-Prior/Deadly Weap/Ser Inj/Ritual Or Ceremony	I	6	4	22.5	16.8	1.6	66.7	70.8	9.8
26054	Abuse Of Child-Resulting In Death	I	9	9	20.8	16.8	1.6	100.0	70.8	9.8
11025	Statutory Rape-1St Deg Sex Inter Course With A Pers Less Than 14	II	1	1	10.0	16.8	1.6	100.0	70.8	9.8
11070	Sodomy - Physical Injury Or With Weapon	II	7	6	12.0	16.8	1.6	85.7	70.8	9.8
11075	Forcible Sodomy	II	59	46	16.9	16.8	1.6	78.0	70.8	9.8
11076	Statutory Sodomy 1St Degree	II	346	246	16.7	16.8	1.6	71.1	70.8	9.8
22045	Sexual Exploitation Of A Minor Child	II	3	3	15.0	16.8	1.6	100.0	70.8	9.8
11021	Statutory Rape-1St Degree	III	215	130	15.5	16.8	1.6	60.5	70.8	9.8
11097	Stat Sodomy-1St Deg-Deviate Sex Interc W/Pers Less Than 14	III	4	3	10.7	16.8	1.6	75.0	70.8	9.8

### Class B Sex and Child Abuse

Offense	Description	Offense Severity Level	Sentence Count	of which Prison	Ave. Prison Sent. Yrs.	Group Averages Prison Sentence		Ave. Percent Prison Disp.	Group Averages Percent Prison Disposition	
						Mean Yrs.	Std Dev. Yrs.		Mean %	Std Dev. %
11015	Forcible Rape, Attempt	I	11	8	10.6	9.8	2.0	72.7	51.6	18.6
11075	Forcible Sodomy, Attempt	I	5	4	10.0	9.8	2.0	80.0	51.6	18.6
22100	Child Molestation-1St Deg-Disply Deadly Weapon/Serious Injury	I	14	10	9.5	9.8	2.0	71.4	51.6	18.6
22200	Use Of Child In Sexual Performance- Serious Emotional Injury	I	2	1	14.0	9.8	2.0	50.0	51.6	18.6
25050	Promoting Child Pornography 1St Degree	I	4	3	9.3	9.8	2.0	75.0	51.6	18.6
26055	Abuse Of Child - Serious Emotional Injury	I	17	13	10.5	9.8	2.0	76.5	51.6	18.6
11076	Statutory Sodomy 1St Degree, Attempt	II	24	12	10.9	9.8	2.0	50.0	51.6	18.6
11097	Stat Sodomy-1St Deg-Deviate Sex Interc W/Pers Less Than 14, Attempt	II	3	1	10.0	9.8	2.0	33.3	51.6	18.6
22055	Sexual Exploitation Of A Child	II	5	2	9.0	9.8	2.0	40.0	51.6	18.6
22107	Child Molestation-1St Degree	II	140	71	9.2	9.8	2.0	50.7	51.6	18.6
11021	Statutory Rape-1St Degree, Attempt	III	19	6	10.3	9.8	2.0	31.6	51.6	18.6
22021	Sex Abuse-Displays Deadly Weapon Or Serious Physical Injury	III	14	2	6.5	9.8	2.0	14.3	51.6	18.6
22022	Sexual Abuse	III	2	-	-	9.8	2.0	-	51.6	18.6
22105	Child Molestation-1St Degree	III	4	1	10.0	9.8	2.0	25.0	51.6	18.6
26021	Abandonment Of Child 1St Degree	III	1	-	-	9.8	2.0	-	51.6	18.6
26048	Endangering Welfare Of Child In Ritual Ceremony/1St Deg/2Nd/Subse	III	1	-	-	9.8	2.0	-	51.6	18.6

## Class C Sex and Child Abuse

Offense	Description	Offense Severity Level	Sentence Count	of which Prison	Ave. Prison Sent. Yrs.	Group Averages Prison Sentence		Ave. Percent Prison Disp.	Group Averages Percent Prison Disposition	
						Mean Yrs.	Std Dev. Yrs.		Mean %	Std Dev. %
11050	Sexual Assault 2Nd Degree - Displays A Deadly Weapon Or Serious Ph	I	1	1	7.0	5.6	0.4	100.0	34.6	11.0
11076	Statutory Sodomy 1St Degree, Attempt	I	2	1	12.0	5.6	0.4	50.0	34.6	11.0
22022	Sexual Abuse	I	68	21	6.0	5.6	0.4	30.9	34.6	11.0
22107	Child Molestation-1St Degree	I	17	7	6.7	5.6	0.4	41.2	34.6	11.0
22206	Promoting A Sexual Performance By A Child	I	2	1	7.0	5.6	0.4	50.0	34.6	11.0
11022	Statutory Rape-2Nd Degree	II	522	200	5.6	5.6	0.4	38.3	34.6	11.0
11077	Statutory Sodomy-2Nd Degree	II	369	157	5.7	5.6	0.4	42.5	34.6	11.0
11100	Deviate Sexual Assault 1St Degree	II	101	39	5.8	5.6	0.4	38.6	34.6	11.0
22105	Child Molestation-1St Degree	II	277	115	5.8	5.6	0.4	41.5	34.6	11.0
25060	Promoting Child Pornography 2Nd Degree	II	6	4	4.8	5.6	0.4	66.7	34.6	11.0
26072	Child Molestation 1St Degree	II	8	1	7.0	5.6	0.4	12.5	34.6	11.0
11021	Statutory Rape-1St Degree, Attempt	III	2	-	-	5.6	0.4	-	34.6	11.0
11040	Sexual Assault 1St Degree	III	158	61	5.1	5.6	0.4	38.6	34.6	11.0
11131	Deviate Sexual Assault 1St Deg Vict 14 Or 15 Or Incapitated	III	1	-	-	5.6	0.4	-	34.6	11.0
22035	Sexual Misconduct Involving A Child-2Nd Or Subsequent Offense	III	11	-	-	5.6	0.4	-	34.6	11.0
22205	Use Of Child In Sexual Performance	III	13	4	3.8	5.6	0.4	30.8	34.6	11.0
25050	Promoting Child Pornography 1St Degree	III	1	-	-	5.6	0.4	-	34.6	11.0
25063	Promoting Child Porno- Graphy-2Nd Degree	III	6	-	-	5.6	0.4	-	34.6	11.0
26045	Endangering Welfare Of A Child 1St Degree	III	19	-	-	5.6	0.4	-	34.6	11.0
26051	Endangering Welfare Of Child In Ritual/ Ceremony, 1St Degree-2Nd Or	III	31	3	4.7	5.6	0.4	9.7	34.6	11.0
26052	Endangering Welfare Of Child 1St Degree	III	3	1	3.0	5.6	0.4	33.3	34.6	11.0
26063	Abuse Of Child	III	318	56	5.0	5.6	0.4	17.6	34.6	11.0

## Class D Sex and Child Abuse

Offense	Description	Offense Severity Level	Sentence Count	of which Prison	Ave. Prison Sent. Yrs.	Group Averages Prison Sentence		Ave. Percent Prison Disp.	Group Averages Percent Prison Disposition	
						Mean Yrs.	Std Dev. Yrs.		Mean %	Std Dev. %
11022	Statutory Rape-2Nd Degree	I	19	9	3.6	4.0	0.5	47.4	18.8	10.0
11040	Sexual Assault 1St Degree	I	12	5	6.0	4.0	0.5	41.7	18.8	10.0
11120	Deviate Sexual Assault 2Nd Degree	I	3	2	5.0	4.0	0.5	66.7	18.8	10.0
22011	Sexual Misconduct-1St Deg Prior Offen Or W Wepn Or Ritual/Cere	I	42	15	4.3	4.0	0.5	35.7	18.8	10.0
22030	Sexual Abuse 1St Degree, Attempt	I	17	2	5.0	4.0	0.5	11.8	18.8	10.0
22090	Incest	I	24	9	4.8	4.0	0.5	37.5	18.8	10.0
22105	Child Molestation-1St Degree, Attempt	I	7	4	4.5	4.0	0.5	57.1	18.8	10.0
22110	Child Molestation-2Nd Deg-Display Deadly Wpn/Serius Phy Injury	I	12	5	4.0	4.0	0.5	41.7	18.8	10.0
26063	Abuse Of Child	I	6	3	5.0	4.0	0.5	50.0	18.8	10.0
11077	Statutory Sodomy-2Nd Degree	II	7	3	3.0	4.0	0.5	42.9	18.8	10.0
11100	Deviate Sexual Assault 1St Degree	II	6	1	4.0	4.0	0.5	16.7	18.8	10.0
22025	Sex Misconduct Involving A Child-1St Offense	II	129	37	4.0	4.0	0.5	28.7	18.8	10.0
22145	Attempt To Entic Child-Actor 21 Yrs Or Older-Child Less Than 15	II	3	1	1.0	4.0	0.5	33.3	18.8	10.0
25010	Promoting Pornography 1St Degree	II	3	1	3.0	4.0	0.5	33.3	18.8	10.0
26022	Abandonment Of Child-2Nd Degree	II	1	1	2.0	4.0	0.5	100.0	18.8	10.0
26052	Endangering Welfare Of Child 1St Degree	II	937	136	3.8	4.0	0.5	14.5	18.8	10.0
11050	Sexual Assault 2Nd Degree - Displays A Deadly Weapon Or Serious Ph	III	1	-	-	4.0	0.5	-	18.8	10.0
11060	Sexual Assault 2Nd Degree	III	2	-	-	4.0	0.5	-	18.8	10.0
22022	Sexual Abuse	III	4	1	3.0	4.0	0.5	25.0	18.8	10.0
22035	Sexual Misconduct Involving A Child-2Nd Or Subsequent Offense	III	2	-	-	4.0	0.5	-	18.8	10.0
22130	Sexual Contact W/An Inmate Or Resid Of Jail,Prisonor Corr Fac	III	1	-	-	4.0	0.5	-	18.8	10.0
22205	Use Of Child In Sexual Performance	III	1	-	-	4.0	0.5	-	18.8	10.0
26020	Abandonment Of Child	III	2	-	-	4.0	0.5	-	18.8	10.0
26053	Endangering Welfare Of Child In Ritual/Ceremony, 2Nd Degree	III	15	1	2.0	4.0	0.5	6.7	18.8	10.0

## Unclassified Sex and Child Abuse Felonies

Offense	Description	Offense Severity Level	Sentence Count	of which Prison	Ave. Prison Sent. Yrs.	Group Averages Prison Sentence		Ave. Percent Prison Disp.	Group Averages Percent Prison Disposition	
						Mean Yrs.	Std Dev. Yrs.		Mean %	Std Dev. %
11010	Forcible Rape With Weapn Or Physical Injury	I	85	76	18.7	14.7	2.6	89.4	78.3	19.9
11070	Sodomy - Physical Injury Or With Weapon	I	4	4	13.8	14.7	2.6	100.0	78.3	19.9
11005	Force Rape-Sex Interc By Force Serious Inj/Displays Dead Weapon	II	1	1	7.0	14.7	2.6	100.0	78.3	19.9
11015	Forcible Rape	II	36	33	13.5	14.7	2.6	91.7	78.3	19.9
11021	Statutory Rape-1St Degree	II	134	106	13.7	14.7	2.6	79.1	78.3	19.9
11071	Forcible Sodomy-With Deadly Weapon Or Serious Physical Injury	II	7	4	25.5	14.7	2.6	57.1	78.3	19.9
11075	Forcible Sodomy	II	25	23	13.1	14.7	2.6	92.0	78.3	19.9
11076	Statutory Sodomy 1St Degree	II	175	159	14.6	14.7	2.6	90.9	78.3	19.9
11077	Statutory Sodomy-2Nd Degree	II	5	3	16.7	14.7	2.6	60.0	78.3	19.9
11084	Forcible Sodomy-Deviate Sexual Intercourse By Forcible Compul	II	4	2	25.0	14.7	2.6	50.0	78.3	19.9
11097	Stat Sodomy-1St Deg-Deviate Sex Interc W/Pers Less Than 14	II	20	12	13.3	14.7	2.6	60.0	78.3	19.9
11008	Forcible Rape-Sexual Inter- Course By Forcible Compulsion	III	5	2	8.5	14.7	2.6	40.0	78.3	19.9
11012	Attempt Forcible Rape-Attempt Sexual Intercourse/Force Compul	III	2	-	-	14.7	2.6	-	78.3	19.9
11022	Statutory Rape-2Nd Degree	III	8	3	5.7	14.7	2.6	37.5	78.3	19.9
11025	Statutory Rape-1St Deg Sex Inter Course With A Pers Less Than 14	III	42	18	10.8	14.7	2.6	42.9	78.3	19.9
11032	Stat Rape-1St Deg-Sex Intercourse Less Than 14 Injury/Deadly Weapon	III	3	1	10.0	14.7	2.6	33.3	78.3	19.9
11080	Sodomy	III	3	2	9.0	14.7	2.6	66.7	78.3	19.9
11088	Attempted Forcible Sodomy-Attempt Deviate Sexual Interc By Force	III	1	-	-	14.7	2.6	-	78.3	19.9
11095	Stat Sodomy-1St-Deviate Sex Inter Course W/Pers Less 14 Ser/Inj	III	9	2	10.0	14.7	2.6	22.2	78.3	19.9
11101	Forcible Sodomy	III	2	1	12.0	14.7	2.6	50.0	78.3	19.9
11999	Sexual Assault	III	5	1	5.0	14.7	2.6	20.0	78.3	19.9
22021	Sex Abuse-Displays Deadly Weapon Or Serious Physical Injury	III	1	-	-	14.7	2.6	-	78.3	19.9

## Felony Class and Risk Level of Unclassified Felony Sex Offenses

Offense	Description	Felony Class	Severity Level
11010	Forcible Rape With Weapn Or Physical Injury	A	I
11070	Sodomy - Physical Injury Or With Weapon	A	I
11005	Force Rape-Sex Interc By Force Serious Inj/Displays Dead Weapon	A	I
11015	Forcible Rape	A	I
11021	Statutory Rape-1St Degree	A	III
11071	Forcible Sodomy-With Deadly Weapon Or Serious Physical Injury	A	I
11075	Forcible Sodomy	A	II
11076	Statutory Sodomy 1St Degree	A	III
11077	Statutory Sodomy-2Nd Degree	C	II
11084	Forcible Sodomy-Deviate Sexual Intercourse By Forcible Compul	A	I
11097	Stat Sodomy-1St Deg-Deviate Sex Interc W/Pers Less Than 14	A	II
11008	Forcible Rape-Sexual Inter- Course By Forcible Compulsion	A	I
11012	Attempt Forcible Rape-Attempt Sexual Intercourse/Force Compul	B	I
11022	Statutory Rape-2Nd Degree	C	II
11025	Statutory Rape-1St Deg Sex Inter Course With A Pers Less Than 14	A	II
11032	Stat Rape-1St Deg-Sex Intercourse Less Than 14 Injury/Deadly Weapon	A	II
11080	Sodomy	B	II
11088	Attempted Forcible Sodomy-Attempt Deviate Sexual Interc By Force	B	I
11095	Stat Sodomy-1St-Deviate Sex Inter Course W/Pers Less 14 Ser/Inj	A	II
11101	Forcible Sodomy	A	II
11999	Sexual Assault	C	II
22021	Sex Abuse-Displays Deadly Weapon Or Serious Physical Injury	B	III

Any unlisted offense will have level II severity.

## Recommended Sentences for Non Violent Offenses

Felony Class		Offender Risk				
		Excellent	Above Average	Average	Below Average	Poor
<b>Class A</b>	<i>Data FY03</i>					
	<i>Percent Prison Disposition</i>	15.4%	41.0%	33.0%	50.0%	50.0%
	<i>Ave. Prison Sentence</i>	12.1	14.0	10.5	13.3	13.3
	<i>1998 Recommended Prison Sentence</i>	10.5	12.0	14.5	17.0	17.0
	<b>Level 1</b>					
	Mitigating					
	Presumptive	No Level I Offenses selected				
	Aggravating					
	<b>Level II</b>					
	Mitigating	Probation	CSS	Shk/Trt	10	12
	Presumptive	CSS	Shk/Trt	12	14	15
	Aggravating	Shk/Trt	12	13	15	20
	<b>Level III</b>					
	Mitigating					
	Presumptive	No Level III Offenses selected				
	Aggravating					
<b>Class B</b>	<i>Data FY03</i>					
	<i>Percent Prison Disposition</i>	15.3%	47.8%	53.8%	66.7%	66.7%
	<i>Ave. Prison Sentence</i>	6.5	8.5	10.0	12.3	12.3
	<i>1998 Recommended Prison Sentence</i>	6.5	7.5	9.5	10.5	10.5
	<b>Level 1</b>					
	Mitigating					
	Presumptive	No Level I Offenses selected				
	Aggravating					
	<b>Level II</b>					
	Mitigating	Probation	CSS	Shk/Trt	Shk/Trt	8
	Presumptive	CSS	Shk/Trt	Shk/Trt	8	10
	Aggravating	Shk/Trt	Shk/Trt	8	10	12
	<b>Level III</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	6
	Presumptive	Probation	CSS	Shk/Trt	6	8
	Aggravating	CSS	Shk/Trt	6	8	10
<b>Class C</b>	<i>Data FY03</i>					
	<i>Percent Prison Disposition</i>	12.0%	43.6%	55.3%	62.0%	62.0%
	<i>Ave. Prison Sentence</i>	4.2	4.4	5.2	5.6	5.6
	<i>1998 Recommended Prison Sentence</i>	1.5	2.0	3.0	5.5	5.5
	<b>Level 1</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	5
	Presumptive	Probation	CSS	Shk/Trt	5	6
	Aggravating	CSS	Shk/Trt	5	6	7
	<b>Level II</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	3
	Presumptive	Probation	CSS	Shk/Trt	3	4
	Aggravating	CSS	Shk/Trt	3	5	6
	<b>Level III</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	2
	Presumptive	Probation	CSS	Shk/Trt	2	3
	Aggravating	CSS	Shk/Trt	2	3	5

Felony Class		Offender Risk				
		Excellent	Above Average	Average	Below Average	Poor
<i>Data FY03</i>						
<b>Class D</b>	<i>Percent Prison Disposition</i>	7.0%	26.9%	37.9%	43.5%	43.5%
	<i>Ave. Prison Sentence</i>	3.4	3.5	3.5	3.8	3.8
	<i>1998 Recommended Prison Sentence</i>	1.0	1.5	2.0	4.0	4.0
Offense Severity	<b>Level 1</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	3
	Presumptive	Probation	CSS	Shk/Trt	Shk/Trt	4
	Aggravating	CSS	Shk/Trt	Shk/Trt	2	4
	<b>Level II</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	2
	Presumptive	Probation	CSS	Shk/Trt	Shk/Trt	2
	Aggravating	CSS	Shk/Trt	Shk/Trt	2	3
	<b>Level III</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	2
	Presumptive	Probation	Probation	CSS	Shk/Trt	2
	Aggravating	CSS	CSS	Shk/Trt	2	3

### Aggravating Factors

- The defendant was armed with or used a dangerous or deadly weapon during the commission of the offense or during the arrest and has not been convicted of an offense that includes the possession of a dangerous or deadly weapon.
- The defendant has also been convicted of a violent offense (felony, misdemeanor or infraction) committed during the commission of the offense.
- The defendant made, or expected to make, a substantial financial gain from the commission of the offense or
- The defendant caused severe financial loss to the victim of the offense. There has been loss of business, employment or serious financial loss when the value of the loss is not included in the offense for which the defendant has been convicted.
- The defendant caused severe physical or emotional trauma to the victim of the offense. The victim has required medical or mental health intervention and the impact of the trauma is not included in the offense for which the defendant has been convicted.
- Any other aggravating factors reasonably related to the purposes of sentencing, as specified by the court or by the sentence assessment report.

### Mitigating Factors

- The defendant has made or is making restitution to the victim.
- For offenses related to drug or alcohol dependency the offender has agreed to enter or has entered a drug or alcohol treatment program and there is a plan for continuing relapse prevention. Not to apply if the sentence involves placement in a drug or alcohol treatment program.
- The defendant used caution to avoid risk or injury to others and caused no injury, financial loss or trauma to the victim. Not to apply when the offender has been convicted of the attempt of the offense.
- The defendant has cooperated with law enforcement.
- Any other mitigating factors reasonably related to the purposes of sentencing, as specified by the court or by the sentence assessment report.

## SEVERITY OF OFFENSE

### Class A Non-Violent

Offense	Description	Offense Severity Level	Sentence Count	of which Prison	Ave. Prison Sent. Yrs.	Group Averages Prison Sentence		Ave. Percent Prison Disp.	Group Averages Percent Prison Disposition	
						Mean Yrs.	Std Dev. Yrs.		Mean %	Std Dev. %
15014	Theft Of Anhydrous Ammonia By Truck/Trlr/Rail Tk Car/Field Appl	III	6	-	-	15.0	-	-	14.3	35.0

### Class B Non-Violent

14010	Burglary 1St Degree	II	1,096	294	8.8	8.7	0.3	26.8	27.2	8.5
28051	Escape Or Attempted Escape From Department Of Corrections	II	22	18	7.8	8.7	0.3	81.8	27.2	8.5
15014	Theft Of Anhydrous Ammonia By Truck/Trlr/Rail Tk Car/Field Appl	III	1	-	-	8.7	0.3	-	27.2	8.5
15018	Theft/Stealing (Value Of Property Or Services Is \$25,000 Or More	III	18	2	7.0	8.7	0.3	11.1	27.2	8.5
15019	Theft/Attempt Theft Of Anhydrous Ammonia Or Liquid Nitrogen	III	8	-	-	8.7	0.3	-	27.2	8.5
29060	Perjury To Secure Conviction Of Accused For Felony Other Than Murder	III	1	-	-	8.7	0.3	-	27.2	8.5

### Class C Non-Violent

Offense	Description	Offense Severity Level	Sentence Count	of which Prison	Ave. Prison Sent. Yrs.	Group Averages Prison Sentence		Ave. Percent Prison Disp.	Group Averages Percent Prison Disposition	
						Mean Yrs.	Std Dev. Yrs.		Mean %	Std Dev. %
14010	Burglary 1St Degree, Attempt	I	98	28	6.3	4.6	0.5	28.6	21.7	6.0
14020	Burglary 2Nd Degree	I	7,854	1,781	5.0	4.6	0.5	22.7	21.7	6.0
15016	Theft Of Ammonium Nitrate	I	4	1	7.0	4.6	0.5	25.0	21.7	6.0
15034	Stealing--3Rd Offense	I	546	255	5.4	4.6	0.5	46.7	21.7	6.0
15035	Stealing Related Offense 3Rd Offense	I	268	78	4.6	4.6	0.5	29.1	21.7	6.0
17020	Arson 2Nd Degree	I	296	78	6.1	4.6	0.5	26.4	21.7	6.0
18011	Counterfeiting	I	15	6	4.8	4.6	0.5	40.0	21.7	6.0
28115	Aiding Escape Of Prisoner Confined For A Felony	I	2	1	5.0	4.6	0.5	50.0	21.7	6.0
29217	Tampering With Judicial Officer	I	22	17	5.1	4.6	0.5	77.3	21.7	6.0
31020	Unlawful Use Of Weapon	I	7	4	4.3	4.6	0.5	57.1	21.7	6.0
31070	Unlawful Possession Of Concealable Firearm	I	43	13	4.4	4.6	0.5	30.2	21.7	6.0
15010	Stealing	II	7,732	1,330	4.5	4.6	0.5	17.2	21.7	6.0
15015	Theft/Attempt Theft Of Anhydrous Ammonia Or Liquid Nitrogen	II	140	34	4.3	4.6	0.5	24.3	21.7	6.0
15020	Stealing Motor Vehicle	II	757	189	4.6	4.6	0.5	25.0	21.7	6.0
15140	Check Kiting	II	24	4	4.8	4.6	0.5	16.7	21.7	6.0
18010	Forgery	II	6,446	1,461	4.3	4.6	0.5	22.7	21.7	6.0
19030	Fraudulent Use Of Credit/Debit Device (Value Of \$500 Or More)	II	3	1	4.0	4.6	0.5	33.3	21.7	6.0
19180	Removal Or Defacing Manufacturer'S Numbe R	II	6	1	5.0	4.6	0.5	16.7	21.7	6.0
23010	Tampering 1St With Service Of Utility Or Institution	II	289	134	4.0	4.6	0.5	46.4	21.7	6.0
23015	Tampering 1St Degree W Mtr Veh, Airplane Motor Boat, Etc	II	3,407	854	4.2	4.6	0.5	25.1	21.7	6.0
23106	Property Damage Motivated By Discrimination 1St Degree	II	8	1	8.0	4.6	0.5	12.5	21.7	6.0
23241	Damage To Dept Of Corrections Bldg Or Property By An Inmate	II	11	10	2.6	4.6	0.5	90.9	21.7	6.0
24010	Receiving Stolen Property \$150 Or More	II	1,733	372	4.3	4.6	0.5	21.5	21.7	6.0
26031	Nonsupport In Ea Six Mos Within Twelve Mo-Amt Owed Excess \$5000	II	5	2	4.0	4.6	0.5	40.0	21.7	6.0
26083	Vio Of Term Of Ex-Parte On Full Order Of Protection (Within 5 Years)	II	1	1	2.0	4.6	0.5	100.0	21.7	6.0
28051	Escape Or Attempted Escape From Department Of Corrections	II	1	1	2.0	4.6	0.5	100.0	21.7	6.0
29070	Perjury In A Procedure Involving A Felony Charge	II	13	3	4.3	4.6	0.5	23.1	21.7	6.0
29220	Tampering With Judicial Proceeding	II	7	3	3.7	4.6	0.5	42.9	21.7	6.0
31080	Unlawful Possession, Transport, Manufact Ure, Repair Or Sale Of Illegal	II	116	13	5.2	4.6	0.5	11.2	21.7	6.0
14999	Burglary	III	2	-	-	4.6	0.5	-	21.7	6.0
15011	Stealing Over \$150 By Coercion Or Deceit	III	14	-	-	4.6	0.5	-	21.7	6.0
15012	Theft Of Anhydrous Ammonia	III	1	-	-	4.6	0.5	-	21.7	6.0
15017	Theft/Stealing Any Cont Substance Defined By Section 195.010, Rsmo	III	5	-	-	4.6	0.5	-	21.7	6.0
15018	Theft/Stealing (Value Of Property Or Services Is \$25,000 Or More	III	1	-	-	4.6	0.5	-	21.7	6.0
15021	Theft/Stealing (Value Of Property Or Services Is \$500 Less Than \$25,0	III	1,050	116	4.1	4.6	0.5	11.0	21.7	6.0
15022	Stealing A Watercraft Or Aircraft	III	3	-	-	4.6	0.5	-	21.7	6.0
15023	Theft/Stealing Of Any Firearm	III	1	-	-	4.6	0.5	-	21.7	6.0
15025	Theft/Stealing Of Any Credit Card Or Letter Of Credit	III	3	-	-	4.6	0.5	-	21.7	6.0
15046	Theft/Steal Any Pleading/Notice/Judgement Rec/Entry Of Any Ct Of Th	III	1	-	-	4.6	0.5	-	21.7	6.0

## Class C Non-Violent, continued

Offense	Description	Offense Severity Level	Sentence Count	of which Prison	Ave. Prison Sent. Yrs.	Group Averages Prison Sentence		Ave. Percent Prison Disp.	Group Averages Percent Prison Disposition	
						Mean Yrs.	Std Dev. Yrs.		Mean %	Std Dev. %
						Yrs.	Yrs.		Yrs.	Yrs.
15060	Theft Of Cable Television Services Value Of \$150 Or More	III	2	-	-	4.6	0.5	-	21.7	6.0
15080	Stealing Grain	III	8	-	-	4.6	0.5	-	21.7	6.0
15095	Library Theft-\$500 Or More	III	1	-	-	4.6	0.5	-	21.7	6.0
15110	Misapplication Of Funds Of Financial Institution--Over \$1000	III	4	-	-	4.6	0.5	-	21.7	6.0
18020	Possession Of A Forging Instrumentality	III	36	9	3.6	4.6	0.5	25.0	21.7	6.0
18040	Filing Anothers Medical Lic As Own Or Foreing Affidavit Of Identifica	III	1	-	-	4.6	0.5	-	21.7	6.0
19010	Passing A Bad Check	III	3	-	-	4.6	0.5	-	21.7	6.0
19420	Falsifying Signature Of An Owner With Intent To Defraud	III	1	-	-	4.6	0.5	-	21.7	6.0
19430	Lien Fraud-Knowingly Issuing A Fraud- Ulent Consent Of Owner Over	III	7	-	-	4.6	0.5	-	21.7	6.0
19690	Person Prev Convicted Of 2 Vio For Crime Relate To Pub Asst/Guilty-C	III	1	-	-	4.6	0.5	-	21.7	6.0
19772	Filing A False Insurance Statement	III	1	-	-	4.6	0.5	-	21.7	6.0
19880	Financial Exploitation-Elderly/ Disabled Pers (Prop Valu Over 250)	III	3	-	-	4.6	0.5	-	21.7	6.0
20110	Fraud Counterfeits/Alters/Forge State Lottery Ticket	III	1	-	-	4.6	0.5	-	21.7	6.0
21040	Promoting Prostitution - 2Nd Degree	III	20	4	4.0	4.6	0.5	20.0	21.7	6.0
23011	Tampering 1St Degree - Unlawfully Deface/Dest/Alter/Sell Motor Veh	III	2	-	-	4.6	0.5	-	21.7	6.0
23012	Tampering 1St Degree	III	189	13	4.2	4.6	0.5	6.9	21.7	6.0
23110	Property Damage 1St Degree	III	3	-	-	4.6	0.5	-	21.7	6.0
23200	Institutional Vandalism	III	2	-	-	4.6	0.5	-	21.7	6.0
23225	Institutional Vandalism Over \$5,000	III	1	-	-	4.6	0.5	-	21.7	6.0
23272	Violate Section 578416 Regard- Ing Crop Loss-\$1,001-\$100,000	III	1	-	-	4.6	0.5	-	21.7	6.0
24015	Receive Stolen Propertv-\$500 Or More/As A Dealr In Goods This Tvpe	III	261	43	4.0	4.6	0.5	16.5	21.7	6.0
24021	Receiving Stolen Prop Dealer In Goods	III	1	-	-	4.6	0.5	-	21.7	6.0
24100	Failure To Return Leased Or Rented Property Valued \$150 Or More	III	211	35	3.5	4.6	0.5	16.6	21.7	6.0
24105	Failure To Return Leased Or Rented Property \$500 Or More	III	34	2	3.0	4.6	0.5	5.9	21.7	6.0
27020	Resisting Arrest Other Than Bv Flight: Interfering With Arrest For Fel	III	1	-	-	4.6	0.5	-	21.7	6.0
29230	Tampering With A Witness In Felony Prose	III	33	8	3.0	4.6	0.5	24.2	21.7	6.0
31015	Unlawful Use Of Weapon Motivated By Discrimination	III	17	1	2.0	4.6	0.5	5.9	21.7	6.0
31075	Knwngly Poss Explos, Incend Or Poison Subst W/ Pur To Sell, Manf	III	3	-	-	4.6	0.5	-	21.7	6.0
31160	Threat To Place Or Plant Bomb Or Explosi Ve At Or Near Bus Or Term	III	1	-	-	4.6	0.5	-	21.7	6.0
31170	Possession Of Weapon/Explosive Or Hazard Ous Material On Bus Or In	III	1	-	-	4.6	0.5	-	21.7	6.0
36340	Violations Health Care Pymts 2Nd Off Hcr Inj/Prop/O/\$150	III	1	-	-	4.6	0.5	-	21.7	6.0
36420	Abuse Or Neglect Residents Of Nursing Home Facility	III	1	-	-	4.6	0.5	-	21.7	6.0
36801	Keeping Or Maintaining A Public Nuisance Crim Street Gang Use	III	7	1	2.0	4.6	0.5	14.3	21.7	6.0
36967	Unlawful Practice Of Midwifery	III	1	-	-	4.6	0.5	-	21.7	6.0
39260	Sell Fish Wildlife Or Parts In Viol Of Rules And Reg - Over \$150	III	1	-	-	4.6	0.5	-	21.7	6.0
48865	Left The Scene Of A Motor Vehicle Accident	III	3	-	-	4.6	0.5	-	21.7	6.0
54076	Violation Of Any Provisions Of Sections 443805 To 443812	III	1	-	-	4.6	0.5	-	21.7	6.0

## Class D Non-Violent

Offense	Description	Offense Severity Level	Sentence Count	of which Prison	Ave. Prison Sent. Yrs.	Group Averages Prison Sentence		Ave. Percent Prison Disp.	Group Averages Percent Prison Disposition	
						Mean Yrs.	Std Dev. Yrs.		Mean %	Std Dev. %
						Yrs.	Yrs.		Yrs.	Yrs.
14030	Possession Of Burglary Tools	I	116	52	4.3	3.5	0.4	44.8	13.4	9.8
15010	Stealing, Attempt	I	242	69	3.6	3.5	0.4	28.5	13.4	9.8
15012	Theft Of Anhydrous Ammonia	I	176	41	4.1	3.5	0.4	23.3	13.4	9.8
15015	Theft/Attempt Theft Of Anhydrous Ammonia Or Liquid Nitrogen	I	23	6	3.8	3.5	0.4	26.1	13.4	9.8
15020	Stealing Motor Vehicle, Attempt	I	117	32	3.2	3.5	0.4	27.4	13.4	9.8
15035	Stealing Related Offense 3Rd Offense	I	10	4	3.5	3.5	0.4	40.0	13.4	9.8
15036	Steal/Relat Offenses/3Rd Offense Include Steal/Receiving/Buying Stole	I	4	2	3.5	3.5	0.4	50.0	13.4	9.8
17020	Arson 2Nd Degree, Attempt	I	14	3	4.7	3.5	0.4	21.4	13.4	9.8
17030	Knowingly Burning Or Exploding	I	208	40	4.5	3.5	0.4	19.2	13.4	9.8
19045	Deceptive Business Practice	I	12	5	5.0	3.5	0.4	41.7	13.4	9.8
19080	Defrauding Secured Creditors - \$500 Or More	I	43	3	4.3	3.5	0.4	7.0	13.4	9.8
19368	Decept/Fraud Etc., Of Material Fact In Sale Or Advertise Or Solic Fund	I	20	6	5.2	3.5	0.4	30.0	13.4	9.8
23010	Tampering 1St With Service Of Utility Or Institution	I	7	3	4.3	3.5	0.4	42.9	13.4	9.8
23020	Tampering With Utility-2Nd Degree 2Nd And Subsequent Offense	I	8	1	4.0	3.5	0.4	12.5	13.4	9.8
23137	Trespass Motivated By Discrimination 1St Degree	I	2	1	4.0	3.5	0.4	50.0	13.4	9.8
23220	Institutional Vandalism	I	5	2	3.5	3.5	0.4	40.0	13.4	9.8
24010	Receiving Stolen Property \$150 Or More	I	17	5	3.8	3.5	0.4	29.4	13.4	9.8
27020	Resisting Arrest Other Than Bv Flight: Interfering With Arrest For Fel	I	404	131	3.6	3.5	0.4	32.4	13.4	9.8

## Class D Non-Violent, continued

Offense	Description	Offense Severity Level	Sentence Count	of which Prison	Ave. Prison Sent. Yrs	Group Averages Prison Sentence		Ave. Percent Prison Disp	Group Averages Percent Prison Disposition	
						Mean Yrs	Std Dev. Yrs		Mean %	Std Dev. %
28030	Escaping Custody Under Arrest For A Felony	I	38	20	3.5	3.5	0.4	52.6	13.4	9.8
28065	Escape From Confinement	I	76	50	3.7	3.5	0.4	65.8	13.4	9.8
29110	Tampering With Physical Evidence Felony	I	51	16	4.9	3.5	0.4	31.4	13.4	9.8
29320	Bribery Of A Public Servant	I	10	1	5.0	3.5	0.4	10.0	13.4	9.8
29370	Failure To Appear On Felony	I	5	4	4.3	3.5	0.4	80.0	13.4	9.8
31040	Unlawful Transfer Of Weapon	I	13	3	4.7	3.5	0.4	23.1	13.4	9.8
31070	Unlawful Possession Of Concealable Firearm	I	3	2	3.5	3.5	0.4	66.7	13.4	9.8
36048	Abandonment Of A Corpse	I	5	1	5.0	3.5	0.4	20.0	13.4	9.8
36190	Recklessly Risk Infection Of Another With Hiv	I	9	5	4.2	3.5	0.4	55.6	13.4	9.8
36341	Violations Involving Health Care Payments 1St Offense	I	6	1	4.0	3.5	0.4	16.7	13.4	9.8
36545	Animal Abuse-Persistent Offender	I	27	4	5.0	3.5	0.4	14.8	13.4	9.8
46682	Opr Mv On Hwy While Dr Lic/Priv Rev (Rev For Unknown Reasons)	I	139	49	3.1	3.5	0.4	35.3	13.4	9.8
46685	Opr Mv On Hwy W Dr Lic Rev (Susp For Prob Caus 10/100 Bac/Zero T	I	9	1	5.0	3.5	0.4	11.1	13.4	9.8
54029	Fail Offender Inform Law Offical Of New Addr-2Nd/Sub Violation	I	1	1	5.0	3.5	0.4	100.0	13.4	9.8
54156	Fail Complete/Submit Offendr Reg Frm To Chief Leo-2Nd/Subs Offns	I	5	4	3.5	3.5	0.4	80.0	13.4	9.8
58001	Making A False Bomb Report	I	1	1	4.0	3.5	0.4	100.0	13.4	9.8
14020	Burglary 2Nd Degree, Attempt	II	250	52	3.8	3.5	0.4	20.8	13.4	9.8
15021	Theft/Stealing (Value Of Propertv Or Services Is \$500 Less Than \$25.0	II	21	5	2.6	3.5	0.4	23.8	13.4	9.8
15032	Stealing Animals	II	31	5	3.8	3.5	0.4	16.1	13.4	9.8
15034	Stealing--3Rd Offense	II	4	1	3.0	3.5	0.4	25.0	13.4	9.8
18010	Forgery, Attempt	II	138	39	3.0	3.5	0.4	28.3	13.4	9.8
18020	Possession Of A Forging Instrumentality	II	3	2	3.0	3.5	0.4	66.7	13.4	9.8
19010	Passing A Bad Check	II	3,403	444	3.4	3.5	0.4	13.0	13.4	9.8
19011	Passing Bad Check-\$500 Or More No Account/Insufficient Funds	II	482	23	3.3	3.5	0.4	4.8	13.4	9.8
19030	Fraudulent Use Of Credit/Debit Device (Value Of \$500 Or More)	II	710	109	3.8	3.5	0.4	15.4	13.4	9.8
19042	Defrauding Of Credit Card Holder Issuer, Or Acquirer By An Authorize	II	6	2	3.0	3.5	0.4	33.3	13.4	9.8
19173	Sale/Poss Of Mtr Veh/Trl/Boat/Mtr Veh Tire/Equip/Parts W/Missing Or F	II	19	6	2.8	3.5	0.4	31.6	13.4	9.8
19640	Unlaw Transfer Food Stamp Coupons/Atp Cards Val O/\$150 To Person	II	2	1	2.0	3.5	0.4	50.0	13.4	9.8
19776	Filing False Statement	II	4	1	3.0	3.5	0.4	25.0	13.4	9.8
19778	Use Fund For Private Gains	II	1	1	3.0	3.5	0.4	100.0	13.4	9.8
21015	Prostitution-Persistent Offender	II	8	3	2.3	3.5	0.4	37.5	13.4	9.8
21050	Promoting Prostitution - 3Rd Degree	II	28	4	3.8	3.5	0.4	14.3	13.4	9.8
23015	Tampering 1St Degree W Mtr Veh, Airplane Motor Boat, Etc	II	77	36	3.0	3.5	0.4	46.8	13.4	9.8
23110	Property Damage 1St Degree	II	789	91	3.6	3.5	0.4	11.5	13.4	9.8
23241	Damage To Dept Of Corrections Bldg Or Property By An Innate	II	1	1	1.0	3.5	0.4	100.0	13.4	9.8
23245	Damage To Jail/Jail Property	II	71	30	2.9	3.5	0.4	42.3	13.4	9.8
24015	Receive Stolen Property-\$500 Or More/As A Dealr In Goods This Type	II	4	3	3.0	3.5	0.4	75.0	13.4	9.8
24030	Alter Or Remove Item Number With Intent To Deprive Lawful Owner	II	13	3	3.7	3.5	0.4	23.1	13.4	9.8
26031	Nonsupport In Ea Six Mos Within Twelve Mo-Amt Owed Excess \$500	II	6,128	292	3.3	3.5	0.4	4.8	13.4	9.8
26083	Vio Of Term Of Ex-Parte On Full Order Of Protection (Within 5 Years)	II	150	34	3.4	3.5	0.4	22.7	13.4	9.8
26160	Surrendr/Trnsfr Cust-Minorchld- W/O Obt Crt Ord-Approv/Ordermg	II	4	1	2.0	3.5	0.4	25.0	13.4	9.8
28010	Escape From Commitment	II	7	2	2.5	3.5	0.4	28.6	13.4	9.8
28080	Failure To Return To Confinement Missouri Department Of Corrections	II	27	18	2.4	3.5	0.4	66.7	13.4	9.8
28110	Aiding Escape Of Prisoner Confined For A Felony	II	7	2	3.0	3.5	0.4	28.6	13.4	9.8
29010	Concealing An Offense	II	4	1	2.0	3.5	0.4	25.0	13.4	9.8
31020	Unlawful Use Of Weapon	II	3,386	471	3.6	3.5	0.4	13.9	13.4	9.8
31080	Unlawful Possession, Transport, Manufact Ure, Repair Or Sale Of Illeg	II	2	1	2.0	3.5	0.4	50.0	13.4	9.8
33350	Possess Alkaloid, Spiritous Or Malt Liqour On Premises Of Corr Facilit	II	4	1	1.0	3.5	0.4	25.0	13.4	9.8
33365	Alkaloid/Liquor In A Correctional Facility	II	8	3	2.3	3.5	0.4	37.5	13.4	9.8
34015	Making A False Bomb Report	II	44	5	3.6	3.5	0.4	11.4	13.4	9.8
46609	Operated Vehicle On Hwy W/O Valid License 3Rd & Subsq Offense	II	156	13	3.2	3.5	0.4	8.3	13.4	9.8
46683	Opr Mv On Hwy W Dr Lic/Priv Revoked (Points/Fail To Take Test)	II	124	37	2.8	3.5	0.4	29.8	13.4	9.8
46687	Opr Mv On Hwy W Dr Lic Rev (Susp For Prob Caus 10/100 Bac/Zero T	II	4	1	3.0	3.5	0.4	25.0	13.4	9.8
46689	Opr Mv On Hwy W Dr Lic/Privilege Revoked (Suspended For Points)	II	725	169	3.0	3.5	0.4	23.3	13.4	9.8
46691	Opr Mv On Hwy W Dr Lic/Priv Revok (Susp For Impp Connact State	II	15	2	3.5	3.5	0.4	13.3	13.4	9.8
46692	Opr Mv W Dr Lic/Priv Rev-Revfor Prob Cause 08/100% Bac/Zero To	II	7	3	2.7	3.5	0.4	42.9	13.4	9.8
46693	Opr Mv W DI Rev (Sus After Fail Exam Fail To Submit To Exam Rea I	II	1	1	3.0	3.5	0.4	100.0	13.4	9.8
48865	Left The Scene Of A Motor Vehicle Accident	II	961	162	3.6	3.5	0.4	16.9	13.4	9.8
54158	Including False Info In Offender Regist Stmt-2Nd/Subseq Ofns	II	1	1	3.0	3.5	0.4	100.0	13.4	9.8
54163	Offender Fail To Inform Chief Leo Of New Addr-2Nd/Subsequent Ofns	II	3	3	3.0	3.5	0.4	100.0	13.4	9.8
14999	Burglary	III	1	-	-	3.5	0.4	-	13.4	9.8
15050	Remove Baggage From Bus Or Terminal W/O Owners Consent	III	3	-	-	3.5	0.4	-	13.4	9.8
15080	Stealing Grain	III	1	-	-	3.5	0.4	-	13.4	9.8
15120	Misapplication Of Funds Of Financial Institution	III	1	-	-	3.5	0.4	-	13.4	9.8



## Class D Non-Violent, continued

Offense	Description	Offense Severity Level	Sentence Count	of which Prison	Ave. Prison Sent. Yrs.	Group Averages Prison Sentence		Ave. Prison Percent Disp.	Group Averages Percent Prison Disposition	
						Mean Yrs.	Std Dev. Yrs.		Mean %	Std Dev. %
15130	Making False Entries In Records Of Financial Institution	III	2	-	-	3.5	0.4	-	13.4	9.8
15140	Check Kiting	III	1	-	-	3.5	0.4	-	13.4	9.8
15212	Causing Tft/Loss To/From Ann Facility From \$300 To \$10,000	III	2	-	-	3.5	0.4	-	13.4	9.8
18011	Counterfeiting	III	2	-	-	3.5	0.4	-	13.4	9.8
18012	Counterfeiting	III	6	-	-	3.5	0.4	-	13.4	9.8
19015	Fraudulently Stop Payment Of An Instrum Over \$150	III	22	1	2.0	3.5	0.4	4.5	13.4	9.8
19016	Fraud Stop Payment Of An Instru- Ment/S Value Of \$500 Or More	III	1	-	-	3.5	0.4	-	13.4	9.8
19021	Passing A Bad Check Insufficient Funds	III	5	-	-	3.5	0.4	-	13.4	9.8
19041	Practive As A Prof And Surveyor W/O Valid License Or Certificate	III	1	-	-	3.5	0.4	-	13.4	9.8
19146	Emp State On Withhold Form Child Sup Not Owe-Know Owe Support	III	1	-	-	3.5	0.4	-	13.4	9.8
19190	Removal Or Defacing Manufacturer'S Numbe R On Special Mobile Equ	III	4	-	-	3.5	0.4	-	13.4	9.8
19245	Defacing, Obscuring Or Otherwise Falsifying Any Odometer Reading	III	1	-	-	3.5	0.4	-	13.4	9.8
19365	Anv Person Willinglv And Knowinslv Vio An Order Of Atty General/C	III	1	-	-	3.5	0.4	-	13.4	9.8
19367	Pyramid Sales Schemes Prohibited	III	3	-	-	3.5	0.4	-	13.4	9.8
19600	Unlawfully Receiving Food Stamp Coupons Or Atp Cards Over \$150 Va	III	1	-	-	3.5	0.4	-	13.4	9.8
19605	Unlawfully Receiving Food Stamps/Atp Card-\$500 Or More	III	1	-	-	3.5	0.4	-	13.4	9.8
19620	Unlawful Conversion Of Food Stamp Coupon Or Atp Cards To Property	III	1	-	-	3.5	0.4	-	13.4	9.8
19655	Perjury In Application For Public Assistance \$500/More	III	1	-	-	3.5	0.4	-	13.4	9.8
19660	Perjury In The Application To Obtain Public Assistance Over \$150	III	2	-	-	3.5	0.4	-	13.4	9.8
19725	Offer Bribe To Health Facility Review Committee - 2Nd Offense	III	1	-	-	3.5	0.4	-	13.4	9.8
19775	Commission Of Gambling Insurance	III	4	-	-	3.5	0.4	-	13.4	9.8
19870	Misappropriation Of Funds Of Elderly Nursing Home Residents	III	4	-	-	3.5	0.4	-	13.4	9.8
20010	Gambling Professional Player	III	1	-	-	3.5	0.4	-	13.4	9.8
20040	Promoting Gambling - 1 St Degree	III	3	-	-	3.5	0.4	-	13.4	9.8
20060	Possession Of Gambling Records - 1St Deg Ree	III	2	-	-	3.5	0.4	-	13.4	9.8
20120	Intent To Defraud By Mfg/Poss Of Counterfeit Lottery Ticket/Device	III	1	-	-	3.5	0.4	-	13.4	9.8
20260	Viol Laws-River Boat Gambling-Juris- Diction Of Port City	III	8	-	-	3.5	0.4	-	13.4	9.8
23012	Tampering 1St Degree	III	2	-	-	3.5	0.4	-	13.4	9.8
23031	Tampering With Property Of An- Other Motivated By Discrimination	III	9	2	2.5	3.5	0.4	22.2	13.4	9.8
23042	Tamper W/Computer Data To Defraud Or Obtain Property Value Over \$	III	1	-	-	3.5	0.4	-	13.4	9.8
23064	Damage To Computer Equipment. Svstem Or Network \$150 Or More B	III	4	-	-	3.5	0.4	-	13.4	9.8
23108	Property Damage Motivated By Discrimination 2Nd Degree	III	2	-	-	3.5	0.4	-	13.4	9.8
24035	Altering/Remove Item Number To Deprive Lawful Owner-\$500/More	III	1	-	-	3.5	0.4	-	13.4	9.8
24100	Failure To Return Leased Or Rented Property Valued \$150 Or More	III	1	-	-	3.5	0.4	-	13.4	9.8
26030	Non-Support Leave State	III	22	-	-	3.5	0.4	-	13.4	9.8
26040	Non-Support	III	1	-	-	3.5	0.4	-	13.4	9.8
26180	Having Custody Of Child In Viol Of Sect 453005-453170/210620	III	1	-	-	3.5	0.4	-	13.4	9.8
26999	Family Offenses	III	1	-	-	3.5	0.4	-	13.4	9.8
28115	Aiding Escape Of Prisoner Confined For A Felony	III	1	-	-	3.5	0.4	-	13.4	9.8
29030	Hindering Prosecution	III	74	7	2.9	3.5	0.4	9.5	13.4	9.8
29075	Perjury In A Procedure Not Involving A Felony Charge	III	6	1	3.0	3.5	0.4	16.7	13.4	9.8
29230	Tampering With A Witness In Felony Prose	III	8	-	-	3.5	0.4	-	13.4	9.8
29260	Acceding To Corruption - Felony Prosecut Ion	III	2	-	-	3.5	0.4	-	13.4	9.8
29330	Acceding To Corruption By A Public Serv Ant	III	6	-	-	3.5	0.4	-	13.4	9.8
31015	Unlawful Use Of Weapon Motivated By Discrimination	III	1	-	-	3.5	0.4	-	13.4	9.8
31042	Unlawful Use Of Weapon Carrying Concealed	III	2	-	-	3.5	0.4	-	13.4	9.8
31127	Loaded Firearm/Weapon-School-School Bus-School Sanctioned Activi	III	5	-	-	3.5	0.4	-	13.4	9.8
34022	Invasion Of Privacy Of Multiple Individuals - 2Nd Degree	III	5	-	-	3.5	0.4	-	13.4	9.8
34026	Invasion Of Privacy-Prev Guilty Or Found Guilty-2Nd	III	1	-	-	3.5	0.4	-	13.4	9.8
36200	Dog Fighting	III	7	-	-	3.5	0.4	-	13.4	9.8
36310	Abuse Neg Or Misappropriation Client Prop By Hospice Employee	III	1	-	-	3.5	0.4	-	13.4	9.8
36400	False Information For Birth Certificate	III	2	-	-	3.5	0.4	-	13.4	9.8
36420	Abuse Or Neglect Residents Of Nursing Home Facility	III	1	-	-	3.5	0.4	-	13.4	9.8
36600	Knowinslv Disturb/Destrov/Remove/Vandal/ Damage Unmarked Huma	III	1	-	-	3.5	0.4	-	13.4	9.8
37005	W/Int To Defraud. Wilfulv Fail To Make Sales Tax Retrn/Pav/Keep Rec	III	33	3	2.0	3.5	0.4	9.1	13.4	9.8
37060	Penalty For Filing False Sales Tax Return	III	1	-	-	3.5	0.4	-	13.4	9.8
37103	Employee/Trustee Rec Com/Profit -Lands Held By Land Trust	III	2	-	-	3.5	0.4	-	13.4	9.8
46613	Onr Mtrcv When Dr Lic No Vali- Dated For Such Onr-3Rd/Subsa Offns	III	10	1	3.0	3.5	0.4	10.0	13.4	9.8
46681	Opr M/V On Hwy W Driver Lic/Priv Rev (Revoked For Abuse & Lose	III	113	24	2.9	3.5	0.4	21.2	13.4	9.8
46684	Dwr-Suspended For Stealingmotor Fuel As Pursuant To Sect 302286	III	9	-	-	3.5	0.4	-	13.4	9.8
46694	Oper Mv W Dr Lic/Priv Rev-Susp For Prob Cause 08/100% Bac/Zero T	III	4	-	-	3.5	0.4	-	13.4	9.8
46695	Onr Mv On Hwy W Dr Lic/Priv Rev (Susp Non Appear/Non Pav Of Fir	III	2	-	-	3.5	0.4	-	13.4	9.8
46697	Op Mv W Dr Lic/Priv Revok (Susp Non Payment Of Child Support)	III	17	3	3.0	3.5	0.4	17.6	13.4	9.8
48867	Leaving Scene Of Atv Accident--Death Or 2Nd Offense	III	8	-	-	3.5	0.4	-	13.4	9.8

## Unclassified Non-Violent Offenses

Offense	Description	Offense Severity Level	Sentence Count	of which Prison	Ave. Prison Sent. Yrs.	Group Averages Prison Sentence		Ave. Percent Prison Disp.	Group Averages Percent Prison Disposition	
						Mean Yrs.	Std Dev. Yrs.		Mean %	Std Dev. %
14999	Burglary	I	12	3	4.7	3.0	0.6	25.0	33.9	27.3
29370	Failure To Appear On Felony	II	87	51	2.9	3.0	0.6	58.6	33.9	27.3
37025	Filing A False Missouri Income Tax Return	II	7	1	3.0	3.0	0.6	14.3	33.9	27.3
19150	Obtain Public Assistance Information Illegally	III	6	-	-	3.0	0.6	-	33.9	27.3
19300	Fraudulent Security Practices	III	2	-	-	3.0	0.6	-	33.9	27.3
23150	Trespass 2Nd Degree	III	2	-	-	3.0	0.6	-	33.9	27.3
33285	Selling Intoxicating Liquor Without State License	III	2	1	2.0	3.0	0.6	50.0	33.9	27.3
35080	Class One Election Offenses	III	2	-	-	3.0	0.6	-	33.9	27.3
37005	W/Int To Defraud, Wilfully Fail To Make Sales Tax Retrn/Pay/Keep Rclds/Suply Info	III	6	1	2.0	3.0	0.6	16.7	33.9	27.3
37015	Failure To File A Missouri Income Tax Return	III	12	-	-	3.0	0.6	-	33.9	27.3
37080	Attempting To Evade Or Defeat Income Tax	III	3	-	-	3.0	0.6	-	33.9	27.3
37090	Failure To Collect Or Pay Over Income Tax	III	3	-	-	3.0	0.6	-	33.9	27.3
55250	Counterfeiting	III	2	-	-	3.0	0.6	-	33.9	27.3

## Felony Class and Severity Level for Unclassified Non-Violent Offenses

Offense	Description	Felony Class	Severity Level
14999	Burglary	C	I
29370	Failure To Appear On Felony	D	II
37025	Filing A False Missouri Income Tax Return	D	II
19150	Obtain Public Assistance Information Illegally	D	III
19300	Fraudulent Security Practices	D	III
23150	Trespass 2Nd Degree	D	III
33285	Selling Intoxicating Liquor Without State License	D	III
35080	Class One Election Offenses	D	III
37005	W/Int To Defraud, Wilfully Fail To Make Sales Tax Retrn/Pay/Keep Rclds/Suply Info	D	III
37015	Failure To File A Missouri Income Tax Return	D	III
37080	Attempting To Evade Or Defeat Income Tax	D	III
37090	Failure To Collect Or Pay Over Income Tax	D	III
55250	Counterfeiting	D	III

Any unlisted offense will have level II severity.

## Recommended Sentences for Drug Offenses

Felony Class		Offender Risk				
		Excellent	Above Average	Average	Below Average	Poor
<b>Class A</b>	<i>Data FY03</i>					
	<i>Percent Prison Disposition</i>	15.8%	41.7%	40.0%	50.0%	95.7%
	<i>Ave. Prison Sentence</i>	12.1	14.0	10.5	13.3	13.3
	<i>1998 Recommended Prison Sentence</i>	10.5	12.0	14.5	17.0	17.0
	<b>Level 1</b>					
	Mitigating	CSS	Shk/Trt	Shk/Trt	10	13
	Presumptive	Shk/Trt	Shk/Trt	10	13	15
	Aggravating	Shk/Trt	10	13	15	20
	<b>Level II</b>					
	Mitigating	Probation	CSS	Shk/Trt	Shk/Trt	10
	Presumptive	CSS	Shk/Trt	Shk/Trt	10	13
	Aggravating	Shk/Trt	Shk/Trt	10	13	18
	<b>Level III</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	10
	Presumptive	Probation	CSS	Shk/Trt	10	12
	Aggravating	CSS	Shk/Trt	10	12	15
<b>Class B</b>	<i>Data FY03</i>					
	<i>Percent Prison Disposition</i>	13.1%	40.0%	52.2%	41.5%	41.5%
	<i>Ave. Prison Sentence</i>	7.3	7.9	8.5	9.5	9.5
	<i>1998 Recommended Prison Sentence</i>	5.5	7.0	8.0	9.5	9.5
	<b>Level 1</b>					
	Mitigating	Probation	CSS	Shk/Trt	Shk/Trt	10
	Presumptive	CSS	Shk/Trt	Shk/Trt	10	12
	Aggravating	Shk/Trt	Shk/Trt	10	12	15
	<b>Level II</b>					
	Mitigating	Probation	CSS	Shk/Trt	Shk/Trt	8
	Presumptive	CSS	Shk/Trt	Shk/Trt	8	10
	Aggravating	Shk/Trt	Shk/Trt	8	10	12
	<b>Level III</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	6
	Presumptive	Probation	CSS	Shk/Trt	6	7
	Aggravating	CSS	Shk/Trt	6	7	10
<b>Class C</b>	<i>Data FY03</i>					
	<i>Percent Prison Disposition</i>	8.1%	32.0%	45.5%	45.5%	45.5%
	<i>Ave. Prison Sentence</i>	4.4	4.7	5.0	4.7	4.7
	<i>1998 Recommended Prison Sentence</i>	1.5	2.0	3.5	5.5	5.5
	<b>Level 1</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	5
	Presumptive	Probation	CSS	Shk/Trt	4	6
	Aggravating	CSS	Shk/Trt	4	5	7
	<b>Level II</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	3
	Presumptive	Probation	CSS	Shk/Trt	3	4
	Aggravating	CSS	Shk/Trt	3	4	5
	<b>Level III</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	2
	Presumptive	Probation	CSS	Shk/Trt	2	3
	Aggravating	CSS	Shk/Trt	2	3	4

Felony Class		Offender Risk				
		Excellent	Above Average	Average	Below Average	Poor
<i>Data FY03</i>						
<b>Class D</b>	<i>Percent Prison Disposition</i>	11.1%	43.5%	62.5%	50.0%	50.0%
	<i>Ave. Prison Sentence</i>	3.8	4.0	3.6	3.9	3.9
	<i>1998 Recommended Prison Sentence</i>	1.0	1.5	2.0	4.0	4.0
Offense Severity	<b>Level 1</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	2
	Presumptive	Probation	CSS	Shk/Trt	2	3
	Aggravating	CSS	Shk/Trt	2	3	4
	<b>Level II</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	2
	Presumptive	Probation	CSS	Shk/Trt	2	2
	Aggravating	CSS	Shk/Trt	2	2	3
	<b>Level III</b>					
	Mitigating	Probation	Probation	CSS	Shk/Trt	Shk/Trt
	Presumptive	Probation	CSS	Shk/Trt	2	2
	Aggravating	CSS	Shk/Trt	2	2	3

#### Aggravating Factors

- The defendant was armed with or used a dangerous or deadly weapon during the commission of the offense and has not been convicted of an offense that includes the possession of a dangerous or deadly weapon.
- The defendant has also been convicted of a violent offense (felony, misdemeanor or infraction) committed during the commission of the offense.
- The defendant made, or expected to make, a substantial financial gain from the commission of the offense.
- Had possession of a substantial amount of illegal drugs or controlled substances or precursor chemicals or possession of large-scale equipment for the manufacturing of illegal drugs.
- Any other aggravating factors reasonably related to the purposes of sentencing, as specified by the court or by the sentence assessment report.

#### Mitigating Factors

- For offenses related to drug or alcohol dependency the offender has agreed to enter or has entered a drug or alcohol treatment program and there is a plan for continuing relapse prevention. Not to apply if the sentence involves placement in a drug or alcohol treatment program.
- The defendant has cooperated with law enforcement.
- Any other mitigating factors reasonably related to the purposes of sentencing, as specified by the court or by the sentence assessment report.

## SEVERITY OF OFFENSE

### Class A Drugs

Offense	Description	Offense Severity Level	Sentence Count	of which Prison	Ave. Prison Sent. Yrs.	Group Averages Prison Sentence		Ave. Percent Prison Disp.	Group Averages Percent Prison Disposition	
						Mean Yrs.	Std Dev. Yrs.		Mean %	Std Dev. %
32448	Possess Cont Subs Except 35 Gm Or Less Mj Persistent Offender	I	54	15	14.0	12.7	0.9	27.8	19.4	10.8
32463	Distr/Del/Man (Sell) Controlled Substance Prior/Persistent Offender	I	227	34	14.0	12.7	0.9	15.0	19.4	10.8
32485	Distribution Of Controlled Substance Near Schools	I	314	37	14.2	12.7	0.9	11.8	19.4	10.8
32490	Trafficking In Drugs In The First Degree	I	254	112	12.5	12.7	0.9	44.1	19.4	10.8
32450	Possession Of Controlled Substance	II	3	1	10.0	12.7	0.9	33.3	19.4	10.8
32465	Distribute, Deliver, Manufacture A Controlled Substance	II	9	2	12.0	12.7	0.9	22.2	19.4	10.8
32495	Trafficking In Drugs In The Second Degree	II	725	113	12.0	12.7	0.9	15.6	19.4	10.8
32486	Dist Controlled Substance Near Pub House-Govt Assisted Housing	III	100	14	11.6	12.7	0.9	14.0	19.4	10.8
32500	Trafficking In Drugs In The Second Degree	III	4	-	-	12.7	0.9	-	19.4	10.8
32526	Possess Ephedrine With Intent To Manufacture Methamphetamine	III	2	-	-	12.7	0.9	-	19.4	10.8

### Class B Drugs

Offense	Description	Offense Severity Level	Sentence Count	of which Prison	Ave. Prison Sent. Yrs.	Group Averages Prison Sentence		Ave. Percent Prison Disp.	Group Averages Percent Prison Disposition	
						Mean Yrs.	Std Dev. Yrs.		Mean %	Std Dev. %
32463	Distr/Del/Man (Sell) Controlled Substance Prior/Persistent Offender	I	37	9	12.0	8.0	0.3	24.3	18.7	1.6
32490	Trafficking In Drugs In The First Degree, Attempt	I	8	3	9.7	8.0	0.3	37.5	18.7	1.6
32449	Possess Controlled Subs Except 35 Gm Or Less Mj Prior Offender	II	182	29	8.5	8.0	0.3	15.9	18.7	1.6
32450	Possession Of Controlled Substance	II	37	9	7.6	8.0	0.3	24.3	18.7	1.6
32465	Distribute, Deliver, Manufacture A Controlled Substance	II	9,198	1,767	7.9	8.0	0.3	19.2	18.7	1.6
32475	Distribute Controlled Substance To A Minor	II	35	3	8.3	8.0	0.3	8.6	18.7	1.6
32485	Distribution Of Controlled Substance Near Schools	II	12	2	8.5	8.0	0.3	16.7	18.7	1.6
32500	Trafficking In Drugs In The Second Degree	II	1,621	268	8.3	8.0	0.3	16.5	18.7	1.6
32470	Distribute Or Deliver Not More Than 5 Grams Marijuana	III	2	-	-	8.0	0.3	-	18.7	1.6
32480	Purchase Or Transport Of Controlled Substance With A Minor	III	4	-	-	8.0	0.3	-	18.7	1.6
32486	Dist Controlled Substance Near Pub House-Govt Assisted Housing	III	3	-	-	8.0	0.3	-	18.7	1.6
32495	Trafficking In Drugs In The Second Degree	III	8	-	-	8.0	0.3	-	18.7	1.6
32520	Deliver Possess Or Manuf W/Intent To Deliver Imitation Contr Substance	III	2	-	-	8.0	0.3	-	18.7	1.6
32540	Manufact, Distributor Or Agent Or Employ To Deliver Controlled Substance	III	1	-	-	8.0	0.3	-	18.7	1.6
32566	Poss Chemicals W/Intent To Mfg Chemicals To Create Controlled Substance	III	1	-	-	8.0	0.3	-	18.7	1.6

### Class C Drugs

Offense	Description	Offense Severity Level	Sentence Count	of which Prison	Ave. Prison Sent. Yrs.	Group Averages Prison Sentence		Ave. Percent Prison Disp.	Group Averages Percent Prison Disposition	
						Mean Yrs.	Std Dev. Yrs.		Mean %	Std Dev. %
32449	Possess Controlled Subs Except 35 Gm Or Less Mj Prior Offender	I	7	1	10.0	4.5	0.3	14.3	14.8	5.8
32465	Distribute, Deliver, Manufacture A Controlled Substance, Attempt	I	544	151	5.2	4.5	0.3	27.8	14.8	5.8
32526	Possess Ephedrine With Intent To Manufacture Methamphetamine	I	3	3	4.7	4.5	0.3	100.0	14.8	5.8
32566	Poss Chemicals W/Intent To Mfg Chemicals To Create Controlled Substance	I	615	183	4.9	4.5	0.3	29.8	14.8	5.8
32255	Keeping Or Maintaining A Public Nuisance	II	28	4	4.8	4.5	0.3	14.3	14.8	5.8
32320	Possess Controlled Substance Unless Auth On Premises Of A Correctional Facility	II	340	169	3.4	4.5	0.3	49.7	14.8	5.8
32322	Deliver/Attempt To Del/Pos/Dep/Conceal Cont/Subs At Correctional Facility	II	4	1	3.0	4.5	0.3	25.0	14.8	5.8
32327	Controlled Substance In Correctional Facility Except With A Written Prescription	II	117	52	4.1	4.5	0.3	44.4	14.8	5.8
32450	Possession Of Controlled Substance	II	22,225	2,969	4.4	4.5	0.3	13.4	14.8	5.8
32470	Distribute Or Deliver Not More Than 5 Grams Marijuana	II	622	87	4.7	4.5	0.3	14.0	14.8	5.8
32500	Trafficking In Drugs In The Second Degree, Attempt	III	8	-	-	4.5	0.3	-	14.8	5.8
32510	Deliver/Possess/Manufacture With Intent To Deliver Drug Paraphernalia	III	2	-	-	4.5	0.3	-	14.8	5.8
32531	Appr/Mater Under \$500/The Intent To Manuf/Compound/Prepare/Test	III	2	-	-	4.5	0.3	-	14.8	5.8
32591	Sale Of Drugs By Out-Of-State Distributor Without License	III	5	-	-	4.5	0.3	-	14.8	5.8

## Class D Drugs

Offense	Description	Offense Severity Level	Sentence Count	of which Prison	Ave. Prison Sent. Yrs.	Group Averages Prison Sentence		Ave. Percent Prison Disp.	Group Averages Percent Prison Disposition	
						Mean Yrs.	Std Dev. Yrs.		Mean %	Std Dev. %
32465	Distribute, Deliver, Manufacture A Controlled Substance, Attempt	I	7	1	5.0	3.6	0.4	14.3	19.0	9.0
32487	Provide Reagents/Solvents/Percur Matl W Int To Produce Cont Subst	I	19	8	3.4	3.6	0.4	42.1	19.0	9.0
32527	Appropriate Und 150 W Int To Manf/ Prod/Etc Amphet/Methamphetamine	I	14	4	4.0	3.6	0.4	28.6	19.0	9.0
32529	Appropriate Material Less/\$500 W/Intent To Manf,Test Meth	I	9	4	4.0	3.6	0.4	44.4	19.0	9.0
32566	Poss Chemicals W/Intent To Mfg Chemicals To Create Controlled Sub	I	34	4	4.8	3.6	0.4	11.8	19.0	9.0
32610	Possession Of Anhydrous Ammonia In A Nonapproved Container	I	55	21	3.4	3.6	0.4	38.2	19.0	9.0
32320	Poss Contr Subs Unless Auth On Premises Of A Correct. Fac, Attempt	II	19	10	2.7	3.6	0.4	52.6	19.0	9.0
32506	Unlawful Use Of Drug Paraphernalia Amphetamine/Methamphetamine	II	307	80	3.8	3.6	0.4	26.1	19.0	9.0
32510	Deliver/Possess/Manufacture With Intent To Deliv Drug Paraphernalia	II	176	38	3.7	3.6	0.4	21.6	19.0	9.0
32520	Deliver Possess Or Manuf W/Intent To Deliver Imitation Contr Substan	II	247	37	3.5	3.6	0.4	15.0	19.0	9.0
32526	Possess Ephedrine With Intent To Manufacture Methamphetamine	II	558	152	3.9	3.6	0.4	27.2	19.0	9.0
32540	Manufact, Distrib Or Agent Or Employ To Deliver Contr Sub, Attempt	II	73	4	4.3	3.6	0.4	5.5	19.0	9.0
32565	Poss W/Intent To Mfe Compound Convert Test Alter Chem To Control	II	11	3	3.7	3.6	0.4	27.3	19.0	9.0
32568	Manuf/Whsalr-Fail Rept Susp Trans- Meth Precu Durg-Req By Sec 195	II	2	1	2.0	3.6	0.4	50.0	19.0	9.0
32300	Drug Violation - Deliver/Manufacture Imitation Control Substance	III	2	-	-	3.6	0.4	-	19.0	9.0
32327	Controlled Substance In Correction Facil Except With A Written Prescr	III	8	2	2.5	3.6	0.4	25.0	19.0	9.0
32450	Possession Of Controlled Substance, Attempt	III	403	63	2.8	3.6	0.4	15.6	19.0	9.0
32460	Fraudulently Attempting To Obtain Controlled Substance	III	576	54	3.1	3.6	0.4	9.4	19.0	9.0
32470	Distribute Or Deliver Not More Than 5 Grams Marijuana	III	14	1	2.0	3.6	0.4	7.1	19.0	9.0
32528	Sell/Label Any Drug Prod W/Ephe- Edrind Unapp Re Fed Monograph	III	5	-	-	3.6	0.4	-	19.0	9.0
32530	Dist/Disp A Controlled Sub W/Out Obtaining A Regist	III	5	-	-	3.6	0.4	-	19.0	9.0
32545	Mfg, Deliver, Poss With Intent To, A Controlled Subst In Container Fal	III	12	-	-	3.6	0.4	-	19.0	9.0
32550	Seler, Purchaser Must Sign Rpt That Tran Sfer Was Made Report To De	III	6	-	-	3.6	0.4	-	19.0	9.0
32560	Sell Transf Furnish Recev Anv Substance Without Registration (Effect 7	III	8	1	3.0	3.6	0.4	12.5	19.0	9.0
32040	Drug Violation - Possession	II	17	2	11.5	9.3	3.1	11.8	10.0	5.1
32070	Drug Violation - Sell	III	7	1	5.0	9.3	3.1	14.3	10.0	5.1
32260	Drug Violation - Obtaining Substance By Fraud	III	3	-	-	9.3	3.1	-	10.0	5.1

## Unclassified Drug Felonies

32040	Drug Violation - Possession	II	17	2	11.5	9.3	3.1	11.8	10.0	5.1
32070	Drug Violation - Sell	III	7	1	5.0	9.3	3.1	14.3	10.0	5.1
32260	Drug Violation - Obtaining Substance By Fraud	III	3	-	-	9.3	3.1	-	10.0	5.1

## Felony Class and Severity Level for Unclassified Drug Offenses

Offense	Description	Felony Class	Severity Level
32040	Drug Violation - Possession	B	II
32070	Drug Violation - Sell	B	III
32260	Drug Violation - Obtaining Substance By Fraud	D	III

Any unlisted offense will have level II severity.

## Recommended Sentences for DWI Offenses

Felony Class		Offender Risk				
		Excellent	Above Average	Average	Below Average	Poor
Class D	<i>Data FY03</i>					
	<i>Percent Prison Disposition</i>	14.2%	34.3%	54.5%	47.5%	47.5%
	<i>Ave. Prison Sentence</i>	3.7	3.4	3.8	3.8	3.8
	<i>1998 Recommended Prison Sentence</i>	1.0	1.5	2.0	4.0	4.0
	<b>Level I</b>					
	Mitigating					
	Presumptive	<i>No Level I offenses</i>				
	Aggravating					
	<b>Level II</b>					
	Mitigating	Probation	CSS	Shk/Trt	Shk/Trt	2
	Presumptive	CSS	Shk/Trt	Shk/Trt	2	3
	Aggravating	Shk/Trt	Shk/Trt	2	3	4
	<b>Level III</b>					
	Mitigating					
	Presumptive	<i>No Level III offenses</i>				
	Aggravating					

### Aggravating Factors

- The defendant possessed a dangerous or deadly weapon during the commission of the offense and has not been convicted of an offense that includes the possession of a dangerous or deadly weapon.
- The defendant has also been convicted of a violent offense (felony, misdemeanor or infraction) committed during the commission of the offense.
- The defendant has more than two prior convictions of the offense of driving while intoxicated third offense or has two or more convictions for driving while intoxicated third offense undischarged, including the current conviction.
- The defendant caused severe financial loss to the victim of the driving offense. There has been loss of business, employment or serious financial loss when the value of the loss is not included in the offense for which the defendant has been convicted.
- The defendant caused severe physical or emotional trauma to the victim of the offense. The victim has required medical or mental health intervention and the impact of the trauma is not included in the offense for which the defendant has been convicted.
- Any other aggravating factors reasonably related to the purposes of sentencing, as specified by the court or by the sentence assessment report.

### Mitigating Factors

- The defendant has made or is making restitution to the victim.
- For offenses related to drug or alcohol dependency the offender has agreed to enter or has entered a drug or alcohol treatment program and there is a plan for continuing relapse prevention. Not to apply if the sentence involves placement in a drug or alcohol treatment program.
- The defendant used caution to avoid risk or injury to others and caused no injury, financial loss or trauma to the victim. Not to apply when the offender has been convicted of the attempt of the offense.
- The defendant has cooperated with law enforcement.
- Any other mitigating factors reasonably related to the purposes of sentencing, as specified by the court or by the sentence assessment report.

## DWI Offenses

### Class D DWI

Felony Class	Offense	Description	Offense Severity Level	Sentence Count	of which Prison	Ave. Prison Sent. Yrs.	Group Averages Prison Sentence		Ave. Percent Prison Dispn.	Group Averages Percent Prison Disposition	
							Mean Yrs.	Std Dev. Yrs.		Mean %	Std Dev. %
D	47430	Operated Mtr Veh While In An Intoxicated Condition (Drug Intoxication)	II	66	16	4.1	3.7	0.1	24.2	22.3	1.7
D	54310	Operation Of A Watercraft While Intoxicated, 3Rd & Subsqnt Off	II	2	1	5.0	3.7	0.1	50.0	22.3	1.7
D	47410	Operated Mtr Veh While In An Intoxicated Condition (Alcohol Intoxication)	II	8,648	1,950	3.7	3.7	0.1	22.5	22.3	1.7
D	47450	Operated Mtr Veh While In An Intoxicated Condition (Combined Alc/D)	II	108	10	3.4	3.7	0.1	9.3	22.3	1.7
D	47470	Excessive Bac-Persistent Offender	II	52	6	3.7	3.7	0.1	11.5	22.3	1.7

Any unlisted offense will have level II severity.



## 7. COMMUNITY STRUCTURED SENTENCING

The complete list of available community programs, outline of programs and eligibility requirements are contained in the document “Supervision Strategies and Treatment Alternatives” published by the Board of Probation and Parole.

### Missouri Dept. of Corrections-Community Sentencing Alternatives

Program	Electronic Monitoring Program	Alt-Care Program	OPTS	TREND Program	Intensive Supervision Program	Local Resources
<b>Description</b>	A home based program providing enhanced control which is monitored 24 hours a day. The multi-phased program is usually 120 days in length.  The court may place offenders on Electronic Monitoring at the time of sentencing or as a result of a violation during the period of probation.  For offenders who have a need for more physical control.	An intensive out-patient treatment program for women who have demonstrated a need for substance abuse treatment and related support services.  The program is multiphased and may last up to 2 years.  Female offenders with substance abuse issues requiring intensive treatment.  Pregnant women on medicaid or women with children will be given priority.	A supervision program specifically for the dual diagnosis felony offenders.  The treatment team consists of a probation and parole officer and a case manager.  Available to male and female felony offenders with a documented, mental health diagnosis and active substance use within the last 6 months.	TREND is a rehabilitative program designed to assist male offenders in developing long term solutions to their non-productive behaviors pertaining to drug use, employment, education, life skills and criminality.  This program provides a structured environment at the Kansas City Community Center with intensive out-patient treatment for the first two phases of the program.  A residential program specifically for probationers who have never been to the Missouri Department of Corrections (120day call back probationers are acceptable)  <b>TREND IS NOT AN INPATIENT DRUG TREATMENT PROGRAM.</b> <i>Continued drug use in the TREND program will result in an unsuccessful discharge.</i>	Intensive supervision is a multiphased program with a higher level of contacts between with the offender, the officer, significant others and community resources.  Offenders who need training, treatment, and increased behavior management.	Based on geographic location of an offender, local resources or programs may be utilized to address needs and risk.  These resources may provide such services as group/individual/ family counseling, chemical dependency education/treatment, mental health diagnosis and/or intervention, and relapse prevention.  Court may collaborate with local probation office to assess availability and appropriateness of local resource options.
<b>Program Criteria</b>	Offenders must have a viable, stable homeplan with a working telephone, prior to the referral to the Electronic Monitoring Program.	No serious physical or mental health problems.			Offenders who present a moderate to high risk and high casework needs.	Based on admission criteria established by the designated local resource/program
<b>Availability</b>	Statewide	Available in Jackson and St. Louis Counties	Kansas City and St. Louis	Kansas City	Statewide	Statewide, however, varies by geographical region
<b>Judicial Process</b>	The Court may order Electronic Monitoring. Placement may be determined by the probation officer based on offender's risk and needs.	The Court may order the Alt-Care Program. Placement may be determined by the probation officer based on offender's risk and needs.	The Court may order the OPTS Program. Placement may be determined by the probation officer based on offender's risk and needs.	The Court may order the TREND Program. Placement may be determined by the probation officer based on offender's risk and needs.	Placement is determined by the probation officer based on offender's risk and needs.	Placement and eligibility for a localized resource/program is determined by the probation officer. Court should contact the state probation office in their respective jurisdiction.
04-22-2004						

### Missouri Dept. of Corrections-Institutional Sentencing Alternatives

Program Statute	Shock Incarceration Program 559.115 RSMo	Institutional Treatment Center 559.115 RSMo	Sex Offender Assessment Unit 559.115 RSMo	Regimented Discipline Program 217.378 RSMo	MO Post Conviction Drug Program 217.785 RSMo
Description	Program emphasis on general lifeskills, substance abuse education, vocational guidance and the development of an appropriate community based home plan.	Highly structured treatment program with emphasis on criminality, life skills, relapse prevention, substance abuse treatment and community home plan development.	An intensive assessment program for sex offenders that provides a complete psychological assessment to determine an offenders extent of psychopathology, risk to reoffend and amenability to treatment. Offers basic relapse prevention education.	Intense program for youth that emphasizes discipline, community responsibility through community restitution & service, work ethics, social skills and literacy.	Substance abuse program with two phases. Phase I is within the community and Phase II is an Institutional Treatment Center.
Program Criteria	<p>Male or female</p> <p>Offenders convicted of Murder II, Forcible or Statutory Rape, Forcible or Statutory Sodomy, Child Molestation I (B Felony), Abuse of a Child (A Felony), or a predatory sex offender cannot be sentenced pursuant to 559.115.</p> <p>Serious mental/physical health problems which prevent an offender from benefitting from this program may preclude eligibility.</p> <p>Offenders are housed in general population.</p> <p>No sex offenders</p>	<p>Male or female</p> <p>Must have an active substance problem and failed attempts in community treatment.</p> <p>Offenders convicted of Murder II, Forcible or Statutory Rape, Forcible or Statutory Sodomy, Child Molestation I (B Felony), Abuse of a Child (A Felony), or a predatory sex offender cannot be sentenced pursuant to 559.115.</p> <p>Male offenders with documented, diagnosed mental health and substance abuse issues should be referred to the Co-Occurring Disorders Program, pursuant to RSMo 559.115.</p> <p>No sex offenders</p>	<p>Males only</p> <p>No Alford Plea or pending appeal</p> <p>Offenders convicted of Murder II, Forcible or Statutory Rape, Forcible or Statutory Sodomy, Child Molestation I (B felony), Abuse of a Child (A Felony) or a predatory sex offender cannot be sentenced pursuant to 559.115.</p> <p>Serious mental or physical health problems which prevent an offender from benefitting from treatment may preclude eligibility.</p> <p>A PSI must be completed.</p>	<p>Males only, ages 17-25</p> <p>No pending felonies or prior felony convictions. Completed or active SIS probation is acceptable.</p> <p>Ineligible offenses are: Voluntary or Involuntary Manslaughter, Kidnapping, Robbery I, Arson I, Assault I Forcible Rape or Forcible Sodomy, Murder II, all Chapter 566 sex offenses. (Attempts are also ineligible.)</p> <p>Serious mental or physical health problems which prevent an offender from benefitting from this program may preclude eligibility.</p> <p>Termination from program forfeits probation release.</p>	<p>Male or female</p> <p>First time offender</p> <p>Offense is violation of RSMo 195 OR substance abuse was a precipitating factor in the commission of the offense</p> <p>Active addiction to controlled substance(s) (Alcohol only not eligible)</p> <p>Serious mental or physical health problems which prevent an offender from benefitting from treatment may preclude eligibility INTO PHASE II.</p> <p>No sex offenders in PHASE II.</p>
Judicial Process (9-1-01)	Reservations Required Sentencing pursuant to RSMo 559.115 (no specific program recommendation needed)	Reservations Required Sentencing pursuant to RSMo 559.115 with recommendation for Institutional Treatment Center (ITC).	After PSI complete, sentencing pursuant to RSMo 559.115 with recommendation for Sex Offender Assessment Unit (SOAU).	Reservations Required Sentencing pursuant to RSMo 217.378 with recommendation for Regimented Discipline Program (RDP).	Order for SIS or SES probation with a special condition for Post-Conviction Treatment RSMo 217.785. MUST SPECIFY EITHER PHASE I OR PHASE II.

In addition to supervision alternatives provided by the Missouri Department of Corrections, there may be local programs available in particular counties or court circuits.

## **8. PROPOSED SENTENCING ASSESSMENT REPORT DESCRIPTION**

The Sentencing Assessment Report is intended to provide the Court with information regarding risk and related factors necessary in the determination of an appropriate sentencing decision. The report incorporates Sentencing Commission standards in conjunction with an identification of the offender's risk level, based on the nature and severity of the offense, prior criminal history, and other relevant factors. Information is provided in the report to assist the Court in determining the impact of the offense on the victim. The report also provides information to the Court regarding available department programs and resources necessary to support the court's sentencing decision and effectively manage the offender's presenting risk level and factors. In addition, the report provides the Court with parole release eligibility based on the sentence structure and Parole Board salient factor guidelines. This report helps the Department of Corrections with assessment, supervision, and management of the offender.

The probation and parole officer compiles the information for the Sentencing Assessment Report via a guided interview with the offender and an investigative process. The format for the report consists of the Introduction; a Risk Assessment Summary (present offense circumstances and severity, prior criminal history, victim impact, and an assets and liabilities assessment); the Offender Management Plan (community sentence strategy options, institutional program/service options, and re-entry/transitional planning considerations); and Conclusion (evaluation and recommendation based on Sentencing Commission standards, parole release eligibility and average time served for offenders with similar risk in the previous fiscal year).

The itemized offender risk score will also be listed.

The Sentencing Assessment Report provides valuable information to the Court for its consideration in the sentence decision-making process, in terms of identifying key offender risk indicators, incorporating Sentence Commission standards, and outlining available department resources and strategies necessary to support the Court's sentencing decision.

## 8.1 Sentencing Assessment Report Format

### **I. Offender Identifying Information**

- Name, social security number, date of birth, gender, race
- Court information, including offense class

### **II. Risk Assessment Summary**

#### **A. Present Offense Information**

- Very brief summary of the offense (nature & severity)
- Include aggravating/mitigating factors

#### **B. Prior Criminal History**

(see attached listing - to include prior and/or present supervision history, incarceration history, and other convictions)

#### **C. Victim Impact**

#### **D. Offender Asset and Liability Assessment (including the Offender Risk Assessment)**

- Scored Risk Assets: The variables that have decreased the risk score in the offender risk assessment.
- Scored Risk Liabilities: The variables that have increased the risk score in the offender risk assessment.
- Other Non Scored Risk Assets and Liabilities: residency, financial, social/behavioral, physical health family/significant others/associates, and military)

### **III. Offender Management Plan**

Department resources to support the sentencing decision

- Community sentence strategy options (Court jurisdiction)
- Institutional program/service options (Board jurisdiction)
- Re-entry considerations (Transitional planning)

### **IV. Conclusion**

Evaluation/recommendation

- Sentencing Commission standards (total scoring of the offender risk and risk scale, offense risk group, offense level of severity and mitigating/aggravating circumstances
- Sentence recommendation
- Parole release eligibility (salient factor scoring offense guideline matrix) and average percent of sentence served in the last fiscal year by offenders of similar risk.

### **V. Itemized listing of the offender risk components**

## 8.2 Sentencing Assessment Report

### I. Offender Identifying Information

<b>Name:</b> Smith, John Doe		<b>SSN:</b> XXX-XX-XXXX
<b>Date of Birth:</b> 01/01/1984	<b>Gender:</b> Male	<b>Race:</b> White
<b>Offense:</b> Burglary 2 <sup>nd</sup> Degree (attempt/conspiracy)	<b>Class:</b> C Felony (D felony)	
<b>Judge/Division:</b> XXXXXX, XXXXX XX	<b>Docket Number:</b> CRXXX-XXXX	
<b>Defense Attorney:</b> XXXXXX, XXXX	<b>Prosecuting Attorney:</b> XXXXXX, XXXX	

### II. Risk Assessment Summary

#### A. Present Offense Information

<b>Offense Summary:</b> Mr. Smith unlawfully entered a residence that was unoccupied at the time. He stole approximately \$2,000 worth of property from the residence including a VCR, television and a .12 gauge shotgun. All the items were recovered except for the shotgun.
<b>Offense Aggravating Factors:</b> None.
<b>Offense Mitigating Factors:</b> Offender ensured that no one was present in the residence before he entered.
<b>Co-Defendants:</b> None.

#### B. Prior Criminal History (Findings of guilt, prior incarcerations and revocations of probation and parole)

<b>Prior DOC History (Supervision and Incarceration):</b> One prior Misdemeanor probation in Pettis County for stealing (8/15/00-8/14/02). One violation report was filed for use of illicit drugs (Marijuana), during the supervision term. The supervision period was successfully completed.
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#### C. Victim Impact (Victim address and contact information available through Prosecuting Attorney)

<b>Victim Name(s):</b> XXXXXX, XXXXX	<b>Does Victim Want to Testify at Sentencing?:</b> No
<b>Victim Impact:</b> Mr. XXXXXX wants the offender to pay the replacement cost for the .12 gauge shotgun. He places the value on this item at \$400. The victim reports no psychological, physical, or mental harm or injury from the offense.	

#### D. Offender Asset and Liability Assessment (including the Offender Risk Assessment)

<b>Scoring Risk Assets:</b> Mr. Smith has stable employment, no prior incarceration and no revocation of supervision
<b>Scoring Risk Liabilities:</b> Mr. Smith is a youthful offender with a current substance abuse problem (Alcohol), he has no high school degree or GED and he has one prior conviction. The offense is a high recidivist offense.
<b>Non Risk Scoring Factors:</b> Mr. Smith lives with his parents, has family support and good mental and physical health. His financial condition is poor. The weapon that was stolen was sold to buy illegal drugs (Marijuana). No history of assaultive behavior. The offender admits to a current substance abuse problem and while previously under supervision Mr. Smith successfully completed outpatient substance abuse counseling.

### III. Offender Management Plan

<b>Supervision Plan:</b> The primary component of either an institutional or community placement is the need to reduce Mr. Smith's risk level by addressing his substance abuse problem through assessment and appropriate treatment placement. A secondary component is the need to restore the victim.
<b>Available Strategies</b>
<b>Community:</b> 1. Probation supervision with community treatment. 2. Probation supervision with electronic monitoring.
<b>Institution:</b> 1. Institution Treatment Center. 2. Incarceration. The offender will be managed on Enhanced Supervision

### IV. Conclusion

<b>Risk Score:</b> -1 <b>Offender Risk Level:</b> Average <b>Seriousness of Offense:</b> Non Violent, Level I <b>Offense Circumstances :</b> Mitigating		
<b>Sentencing Commission Standards:</b> Community Structured Supervision		
<b>Parole Release Standards:</b> <b>Min:</b> 15% <b>Standard:</b> 20% <b>Max:</b> 25%. Ave. percent time served in FY03 with Average Risk: 33%		
<b>Sentence Recommendation:</b> Probation with 1) Intensive Supervision 2) Intensive Outpatient Substance Abuse Treatment 3) \$400 Restitution at the rate of \$100 per month 4) 20 hours Community Service within 60 days		
<b>Officer Name:</b> Johnston, J. Scott	<b>Phone Number:</b> 660/530-5530	<b>Date:</b> 1/27/2004

## 9. A STUDY OF SENTENCING DISPARITY

The study covers three topics: Sentencing in Missouri compared to other states, differences in sentencing by circuit courts and differences in sentencing between different racial groups.

### 9.1 Sentencing and Time Served in Missouri compared to Other States in the US.

The National Corrections Reporting Program (NCRP) published by the Bureau of Justice Statistics for 2000 indicated that offenders in Missouri serve about three months longer in prison than the national average; however, as a percent of sentence time served, Missouri is similar to the national average (43%). From DOC records and the NCRP report for 1993 and 2000, it is apparent that that time served has increased not only in Missouri but also in other states over the last ten years.

For many offenses, the average sentence in Missouri is higher than in other states. The average sentence reported for all states in the US was 65 months and 72 months in Missouri.

#### **Average Sentence and Time Served to First Release (1993 and 2000)**

##### **Time Served to First Release (1993 and 2000)**

Year	All State Prisons			Missouri		
	Max. Sentence	Prison Time Served	Percent Served	Max. Sentence	Prison Time Served	Percent Served
1993	66	21	31.8%	68	23	34.4%
2000	65	28	43.1%	72	31	43.3%

Source: NCRP reports (BJS) and DOC records

#### **Average sentence and Time Served to First Release By NCIC Offense (2000)**

	All State Prisons			Missouri		
	Max. Sentence	Prison Time Served	Percent Served	Max. Sentence	Prison Time Served	Percent Served
<i>Violent Offenses</i>						
Homicide	165	90	54.5%	175	102	58.3%
Rape	150	76	50.7%	147	78	53.1%
Robbery	104	49	47.1%	147	78	53.1%
Assault	67	31	46.3%	79.8	39.8	49.9%
<i>Property offenses</i>						
Burglary	88	30	34.1%	66.6	24.2	36.3%
Larceny	47	19	40.4%	56.8	19.7	34.7%
Auto theft	40	18	45.0%	59.3	22.3	37.6%
Fraud	47	18	38.3%	38.6	11.7	30.3%
Stolen Property	47	21	44.7%	53.5	17.5	32.7%
<i>Drug Offenses</i>						
Possession	57	16	28.1%	50.3	13.5	26.8%
Trafficking	76	24	31.6%	86.8	33.9	39.1%
<i>Public Order Offenses</i>						
Weapons	53	22	41.5%	79.3	40.9	51.6%
DWI	41	14	34.1%	42.4	15.6	36.8%
<b>All Offenses</b>	<b>65</b>	<b>28</b>	<b>43.1%</b>	<b>72.1</b>	<b>31.2</b>	<b>43.3%</b>

National Crime Reporting Data (FBI) and DOC records

## 9.2 Sentencing Differences Between Courts

When circuits are compared by sentence disposition or by average prison sentence there is a wide variation in sentencing practice. Using the sentence data compiled by the Department of Corrections for FY03, the 45 Missouri circuit courts have been ranked using three measures:

1. Prison sentences as a percentage of all dispositions

The range is from 43% for circuit 18 (Cooper and Pettis counties) down to 14% for circuit 41 (Macon and Shelby). The average percentage is 24%. St. Louis City (23%) and St. Louis County (21%) are slightly below the average and Jackson County (18%) is in the third quartile. Many of the large first class counties outside of the metropolitan areas are in the top quartile, see page 48.

2. Shock and Treatment Sentences as a percentage of Prison and Shock and Treatment Dispositions

The range is from 54% for circuit 35 (Dunklin and Stoddard) down to 17% for circuit 18 (Cooper and Pettis counties). The average percentage is 33%. Jackson County (39%) is in the second quartile and St. Louis City (27%) and St. Louis County (23%) are in the third quartile, see page 49.

3. Average Prison Sentences

St. Louis City has the highest average prison sentence (9.3 years) and Circuit 32 (Bollinger, Cape Girardeau and Perry) has the lowest average sentence (4.7 years), see page 50.

Although these rankings indicate that sentencing standards appear very different between courts, small numbers may add to variability and there may be differences in the level of crime, the type of crime and in the prior criminal history of the offender population that are not taken account of. For example, St. Louis City has a higher percentage of violent crime than other court circuits and that could explain the high average prison sentence. The high volume of crime in St. Louis may explain the low proportion of sentences that result in a prison sentence.

To account for some of the underlying factors, the data has been aggregated into three types of circuit court based upon the size of the resident population and sentencing has been compared for similar offense groups. This analysis is presented after the circuit court ranking charts.

**Sentence Dispositions in FY03**  
**Prison Sentences as a Percentage of all Dispositions**  
**Circuit Courts Ranked in Descending Order**

Circuit Court	Counties	Term Sentences	Prison Sentences as a Percentage of all Dispositions
18	Cooper, Pettis	155	43%
7	Clay	162	42%
24	St. Francois, Ste. Genevieve, Washington	217	38%
13	Boone, Callaway	249	36%
29	Jasper	124	34%
5	Andrew, Buchanan	176	34%
10	Monroe, Ralls	75	33%
19	Cole	75	32%
23	Jefferson	145	28%
15	Lafayette, Saline	135	27%
6	Platte	62	26%
20	Franklin, Gasconade, Osage	162	26%
33	Mississippi, Scott	129	25%
36	Butler, Ripley	62	24%
26	Camden, Laclede, Miller, Moniteau, Morgan	185	23%
1	Clark, Schuyler, Scotland	19	23%
31	Greene	285	23%
34	New Madrid, Pemiscot	91	23%
11	St. Charles	214	23%
45	Lincoln, Pike	78	23%
22	St. Louis City	550	23%
30	Benton, Dallas, Hickory, Polk, Webster	87	22%
40	McDonald, Newton	74	22%
21	St. Louis County	634	21%
12	Audrain, Montgomery, Warren	99	21%
44	Douglas, Ozark, Wright	32	21%
14	Howard, Randolph	57	21%
17	Cass, Johnson	93	20%
9	Chariton, Linn, Sullivan	24	20%
35	Dunklin, Stoddard	100	19%
2	Adair, Knox, Lewis	31	19%
28	Barton, Cedar, Dade, Vernon	55	19%
37	Carter, Howell, Oregon, Shannon	56	19%
16	Jackson	651	18%
39	Barry, Lawrence, Stone	107	18%
25	Maries, Phelps, Pulaski, Texas	65	18%
43	Caldwell, Clinton, Davies, De Kalb, Livingston	48	17%
32	Bollinger, Cape Girardeau, Perry	87	17%
4	Atchison, Gentry, Holt, Nodaway, Worth	22	17%
27	Bates, Henry, St. Clair	42	17%
8	Carroll, Ray	36	17%
42	Crawford, Dent, Reynolds, Wayne	87	16%
38	Christian, Taney	77	16%
3	Grundy, Harrison, Mercer, Putnam	18	14%
41	Macon, Shelby	22	14%

Mean Percentage



**Sentence Dispositions in FY03**  
**120 Day & LT Drug Sentences as a Percentage of all Prison and Treatment/ Shock Sentences**  
**Circuit Courts Ranked in Descending Order**

Circuit Court	Counties	Sentences	120 Day & LT Drug Sentences as a Percentage of all Prison Sentences
35	Dunklin, Stoddard	117	54%
41	Macon, Shelby	25	53%
3	Grundy, Harrison, Mercer, Putnam	20	53%
4	Atchison, Gentry, Holt, Nodaway, Worth	24	52%
43	Caldwell, Clinton, Davies, De Kalb, Livingston	51	52%
17	Cass, Johnson	97	51%
14	Howard, Randolph	57	50%
8	Carroll, Ray	33	48%
28	Barton, Cedar, Dade, Vernon	46	46%
38	Christian, Taney	59	43%
27	Bates, Henry, St. Clair	31	42%
34	New Madrid, Pemiscot	65	42%
42	Crawford, Dent, Reynolds, Wayne	61	41%
16	Jackson	421	39%
44	Douglas, Ozark, Wright	20	38%
12	Audrain, Montgomery, Warren	59	37%
30	Benton, Dallas, Hickory, Polk, Webster	51	37%
15	Lafayette, Saline	78	37%
45	Lincoln, Pike	45	37%
20	Franklin, Gasconade, Osage	93	36%
39	Barry, Lawrence, Stone	60	36%
19	Cole	41	35%
6	Platte	33	35%
7	Clay	86	35%
1	Clark, Schuyler, Scotland	10	34%
2	Adair, Knox, Lewis	16	34%
33	Mississippi, Scott	65	34%
32	Bollinger, Cape Girardeau, Perry	42	33%
25	Maries, Phelps, Pulaski, Texas	30	32%
26	Camden, Laclede, Miller, Moniteau, Morgan	85	31%
9	Chariton, Linn, Sullivan	11	31%
40	McDonald, Newton	33	31%
10	Monroe, Ralls	30	29%
11	St. Charles	85	28%
37	Carter, Howell, Oregon, Shannon	22	28%
22	St. Louis City	203	27%
23	Jefferson	53	27%
13	Boone, Callaway	89	26%
36	Butler, Ripley	22	26%
5	Andrew, Buchanan	57	24%
24	St. Francois, Ste. Genevieve, Washington	69	24%
21	St. Louis County	199	24%
31	Greene	85	23%
29	Jasper	33	21%
18	Cooper, Pettis	31	17%

Mean Percentage

**Average Prison Sentence in FY03  
By Circuit Court**

<b>Circuit Court</b>	<b>Counties</b>	<b>Average Prison Sentence (yrs.)</b>
22	St. Louis City	9.30
9	Chariton, Linn, Sullivan	8.70
41	Macon, Shelby	8.30
16	Jackson	8.10
15	Lafayette, Saline	7.80
21	St. Louis County	7.80
6	Platte	7.50
25	Maries, Phelps, Pulaski, Texas	7.50
24	St. Francois, Ste. Genevieve, Washington	7.30
4	Atchison, Gentry, Holt, Nodaway, Worth	6.90
14	Howard, Randolph	6.90
17	Cass, Johnson	6.90
34	New Madrid, Pemiscot	6.90
7	Clay	6.60
42	Crawford, Dent, Reynolds, Wayne	6.60
12	Audrain, Montgomery, Warren	6.50
26	Camden, Laclede, Miller, Moniteau, Morgan	6.40
2	Adair, Knox, Lewis	6.30
11	St. Charles	6.30
38	Christian, Taney	6.30
1	Clark, Schuyler, Scotland	6.10
19	Cole	6.00
31	Greene	6.00
5	Andrew, Buchanan	5.90
23	Jefferson	5.90
39	Barry, Lawrence, Stone	5.90
10	Monroe, Ralls	5.80
20	Franklin, Gasconade, Osage	5.70
28	Barton, Cedar, Dade, Vernon	5.70
29	Jasper	5.70
35	Dunklin, Stoddard	5.70
8	Carroll, Ray	5.60
13	Boone, Callaway	5.60
30	Benton, Dallas, Hickory, Polk, Webster	5.60
36	Butler, Ripley	5.60
43	Caldwell, Clinton, Davies, De Kalb, Livingston	5.60
45	Lincoln, Pike	5.50
33	Mississippi, Scott	5.40
40	McDonald, Newton	5.40
3	Grundy, Harrison, Mercer, Putnam	5.30
44	Douglas, Ozark, Wright	5.20
18	Cooper, Pettis	5.10
27	Bates, Henry, St. Clair	5.10
37	Carter, Howell, Oregon, Shannon	5.00
32	Bollinger, Cape Girardeau, Perry	4.70

Mean Percentage

Comparing sentencing when grouped into three categories based upon size of population (Metropolitan, Other First Class Counties and Rural) indicates that the greatest differences are between the metropolitan areas and the rest of the state. The metropolitan areas have the highest prison sentences but the lowest percentage of prison sentences. Rural counties have a slightly higher percentage of shock and treatment sentences than other first class counties. Between the St. Louis metro area and the Kansas City metro area there is a significant difference in the use of shock and treatment programs, (25% for St. Louis metro and 39% for Kansas City metro).

**Sentencing Disposition in FY03**  
**Metro, First Class and Rural Circuits**

Circuits	Sentences	Percent Disposition				Average Prison Sentence (yrs)
		Probation	Shock/ Treatment	Prison	Percent of Sentence	
Metro area	8,685	68.3	10.2	21.5	100.0	8.1
Other First Class	7,210	59.3	12.4	28.3	100.0	5.9
Rural Counties	8,934	62.0	14.2	23.8	100.0	6.1
Total	24,829	63.4	12.3	24.3	100.0	6.7

The metropolitan area comprises St. Louis City, St. Louis County and Jackson County, the other first class counties include circuits 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 11<sup>th</sup>, 13<sup>th</sup>, 17<sup>th</sup>, 19<sup>th</sup>, 20<sup>th</sup>, 23<sup>rd</sup>, 26<sup>th</sup>, 29<sup>th</sup>, 31<sup>st</sup>, and 32<sup>nd</sup>. The rural circuits comprise the remainder.

Comparing the three areas for similar offenses reduces the disparity in prison sentences but the differences in disposition remain. The metro areas have the lowest percent of sentences receiving prison sentences. This is true for drugs, DWI and other non-violent offenses. For violent offenses there is a much greater similarity in sentencing. For Class A, B and C felony violent offenses there is very little difference in disposition or prison sentence between the metropolitan counties and the other counties. For Class D violent offenses there is a difference.

**Drug Offenses**

Circuits	Sentences	Percent Disposition				Average Prison Sentence (yrs)
		Probation	Shock/ Treatment	Prison	Percent of Sentence	
Metro area	3,508	75.3	11.6	13.1	100.0	6.1
Other First Class	2,187	64.8	12.9	22.3	100.0	5.5
Rural Counties	2,975	59.9	18.5	21.7	100.0	6.2
Total	8,670	67.3	14.3	18.4	100.0	5.9

**DWI Offenses**

Circuits	Sentences	Percent Disposition				Average Prison Sentence (yrs)
		Probation	Shock/ Treatment	Prison	Percent of Sentence	
Metro area	406	63.6	19.7	16.8	100.0	4.9
Other First Class	902	49.0	23.0	28.1	100.0	4.3
Rural Counties	772	52.4	24.4	23.2	100.0	4.3
Total	2,080	53.1	22.8	24.0	100.0	4.4

### Non-Violent Offenses other than Drug and DWI Offenses

Circuits	Sentences	Percent Disposition				Average Prison Sentence (yrs)
		Probation	Shock/ Treatment	Prison	Percent of Sentence	
Metro area	3,385	74.9	7.6	17.5	100.0	4.9
Other First Class	3,225	64.7	8.7	26.7	100.0	4.3
Rural Counties	3,992	70.8	8.9	20.2	100.0	4.3
Total	10,602	70.3	8.4	21.3	100.0	4.4

### Violent Offenses

Circuits	Sentences	Percent Disposition				Average Prison Sentence (yrs)
		Probation	Shock/ Treatment	Prison	Percent of Sentence	
<i>Class A</i>						
Metro area	429	11.7	5.1	83.2	100.0	17.1
Other First Class	176	11.9	2.8	85.2	100.0	18.8
Rural Counties	160	8.1	6.3	85.6	100.0	17.7
Total	765	11.0	4.8	84.2	100.0	17.6
<i>Class B</i>						
Metro area	362	27.4	14.4	58.3	100.0	9.0
Other First Class	144	20.1	16.0	63.9	100.0	9.2
Rural Counties	159	25.2	18.2	56.6	100.0	8.5
Total	665	25.3	15.6	59.1	100.0	8.9
<i>Class C</i>						
Metro area	519	56.8	11.2	32.0	100.0	5.5
Other First Class	472	45.6	18.0	36.4	100.0	5.4
Rural Counties	691	50.1	16.5	33.4	100.0	5.5
Total	1,682	50.9	15.3	33.8	100.0	5.4
<i>Class D</i>						
Metro area	52	80.8	11.5	7.7	100.0	4.5
Other First Class	94	63.8	13.8	22.3	100.0	3.7
Rural Counties	170	72.4	9.4	18.2	100.0	3.9
Total	316	71.2	11.1	17.7	100.0	3.9
<i>Unclassed</i>						
Metro area	24	66.7	-	33.3	100.0	18.8
Other First Class	10	70.0	-	30.0	100.0	15.0
Rural Counties	15	40.0	-	60.0	100.0	13.9
Total	49	59.2	-	40.8	100.0	16.0

## 9.2 Sentencing Disparity by Race

It is an accepted fact in the US that incarceration affects racial groups differently and in Missouri is no exception. The incarceration rate for Blacks is over five times that of Whites.

### **Missouri Incarceration Rates by Race**

	Population 2000 Census	Incarcerated 31-Dec-03	Incarceration Rate per 100,000
Race/Hispanic			
Black	626,664	12,368	1,974
Hispanic	117,499	413	351
White	4,750,334	16,919	356
Other	100,714	166	165
Total	5,595,211	29,866	534

There are many factors that play an important part in explaining incarceration differences between different populations. Because the commission has had only access to sentencing data, the commission has only studied the impact of offense type and prior criminal history upon disparity between racial or ethnic groups in Missouri.

Using the sentencing data for FY03, the comparison between the four racial or ethnic groups indicates that Blacks have the highest average prison sentence (7.8 years) compared to an average of 6.7 years for all offenders. The aggregate data does not indicate significant differences in sentence disposition between Blacks and other racial or ethnic groups.

### **Sentencing Disposition in FY03 All Offenses**

Race/ Hispanic	Sentences	Percent Disposition				Average Prison Sentence (yrs)
		Probation	Shock/ Treatment	Prison	Percent of Sentence	
Black	7,564	63.5	11.4	25.2	100.0	7.8
Hispanic	440	59.1	10.7	30.2	100.0	6.6
White	16,688	63.5	12.7	23.7	100.0	6.1
Other	136	65.4	8.8	25.7	100.0	6.7
Total	24,828	63.4	12.3	24.3	100.0	6.7

The disparity in average prison sentence between Blacks and other races is, in general, reduced when the comparison is made between similar offense groups. The exception is for violent offenses. For Class B, C and D violent felony offenses, Blacks have a higher average prison sentence and a higher percent of prison dispositions than other groups.

### Drug Offenses

Race/ Hispanic	Sentences	Percent Disposition				Average Prison Sentence (yrs)
		Probation	Shock/ Treatment	Prison	Percent of Sentence	
Black	3,113	67.8	14.7	17.4	100.0	6.4
Hispanic	146	65.1	12.3	22.6	100.0	6.5
White	5,375	67.0	14.2	18.9	100.0	5.7
Other Races	36	86.1	8.3	5.6	100.0	5.0
Total	8,670	67.3	14.3	18.4	100.0	5.9

### DWI Offenses

Race/ Hispanic	Sentences	Percent Disposition				Average Prison Sentence (yrs)
		Probation	Shock/ Treatment	Prison	Percent of Sentence	
Black	231	57.1	23.4	19.5	100.0	3.4
Hispanic	42	64.3	7.1	28.6	100.0	3.1
White	1,794	52.5	23.1	24.4	100.0	3.7
Other Races	13	38.5	23.1	38.5	100.0	3.2
Total	2,080	53.1	22.8	24.0	100.0	3.6

### Non Violent Offenses Other than Drugs and DWI

Race/ Hispanic	Sentences	Percent Disposition				Average Prison Sentence (yrs)
		Probation	Shock/ Treatment	Prison	Percent of Sentence	
Black	2,994	71.9	7.5	20.6	100.0	4.9
Hispanic	152	65.1	8.6	26.3	100.0	3.6
White	7,396	69.7	8.8	21.4	100.0	4.5
Other Races	59	64.4	6.8	28.8	100.0	3.7
Total	10,601	70.3	8.4	21.3	100.0	4.6

### Violent Offenses

Felony Class	Race/Hispanic	Sentences	Percent Disposition				Average Prison Sentence (yrs)
			Probation	Shock/Treatment	Prison	Percent of Sentence	
A	Black	362	10.2	3.9	85.9	100.0	17.3
	Hispanic	24	12.5	16.7	70.8	100.0	18.8
	White	374	11.5	5.1	83.4	100.0	17.8
	Other Races	5	20.0	-	80.0	100.0	22.5
	Total	765	11.0	4.8	84.2	100.0	17.6
B	Black	321	22.7	15.0	62.3	100.0	8.9
	Hispanic	14	28.6	7.1	64.3	100.0	7.2
	White	325	27.7	16.9	55.4	100.0	9.0
	Other Races	5	20.0	-	80.0	100.0	10.8
	Total	665	25.3	15.6	59.1	100.0	8.9
C	Black	466	51.8	12.0	36.2	100.0	5.6
	Hispanic	52	50.0	13.5	36.5	100.0	4.2
	White	1,152	50.4	16.7	33.0	100.0	5.5
	Other Races	12	66.7	16.7	16.7	100.0	3.5
	Total	1,682	50.9	15.3	33.8	100.0	5.4
D	Black	66	71.2	9.1	19.7	100.0	3.8
	Hispanic	7	71.4	14.3	14.3	100.0	3.0
	White	238	71.0	11.8	17.2	100.0	3.9
	Other Races	5	80.0	-	20.0	100.0	5.0
	Total	316	71.2	11.1	17.7	100.0	3.9

The sentencing analysis undertaken for the recommended sentences report indicated that the severity of sentencing is influenced by the level of prior criminal history. A necessary analysis, therefore, when measuring racial disparity is to measure any differences in prior criminal history between racial/ethnic groups. Blacks have the lowest percentage of offenders with a level I prior criminal history (68.5%). The average for Whites was 72.8%.

The next step is to measure the sentencing indicators for different levels of prior criminal history between the racial/ethnic groups. For the prison percent of sentences there is little difference between the racial/ethnic groups but there is a difference in the average length of prison sentence. Blacks have a longer prison sentence than other racial/ethnic groups for all levels of prior criminal history.

The final step in the analysis is to identify whether the differences in prison sentences is attributed to differences in the type offense. For offenders with level I prior criminal history, Blacks convicted of violent offenses have a higher percent receiving a prison sentence (48.8%), compared to 36.7% for Whites and the average sentence is 11.2 years, compared to 10.4 years for Whites. For the other offense groups (Drugs, DWI and other non-violent offenses), there are few differences between the racial/ethnic groups.

### Prior Criminal History and Racial/ Ethnic Origin, FY03 Sentencing

#### Dispositions

Race/Hispanic	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Total
Black	5,178	1,541	314	531	7,564
Hispanic	360	58	7	15	440
White	12,151	3,153	542	842	16,688
Other	105	21	6	4	136
Total	17,794	4,773	869	1,392	24,828

#### Percentages

Race/Hispanic	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Total
Black	68.5%	20.4%	4.2%	7.0%	100.0%
Hispanic	81.8%	13.2%	1.6%	3.4%	100.0%
White	72.8%	18.9%	3.2%	5.0%	100.0%
Other	77.2%	15.4%	4.4%	2.9%	100.0%
Total	71.7%	19.2%	3.5%	5.6%	100.0%

### Average Prison Sentences (Years), FY03

Race/Hispanic	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Total
Black	8.0	7.5	7.4	8.6	7.9
Hispanic	6.8	5.3	9.8	5.8	6.6
White	6.6	5.4	5.9	6.1	6.3
Other	7.6	3.8	5.3	10.0	7.0
Total	7.0	6.1	6.5	7.0	6.8

### Prison Sentences as a Percent of All Dispositions, FY03

Race/Hispanic	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Total
Black	15.8	40.9	54.1	53.1	25.1
Hispanic	28.1	32.8	71.4	53.3	30.2
White	15.2	42.1	54.6	57.5	23.7
Other	19.1	38.1	66.7	75.0	25.7
Total	15.7	41.6	54.7	55.8	24.3

Violent offenses in the analysis are the NCIC offenses of Homicide, Sex Assault, Robbery and Assault and the Missouri offense of Arson 1<sup>st</sup>.



**Prison as a Percent of All Sentences and Average Prison Sentence  
Offenders with No or Little Prior Criminal History (Level I)**

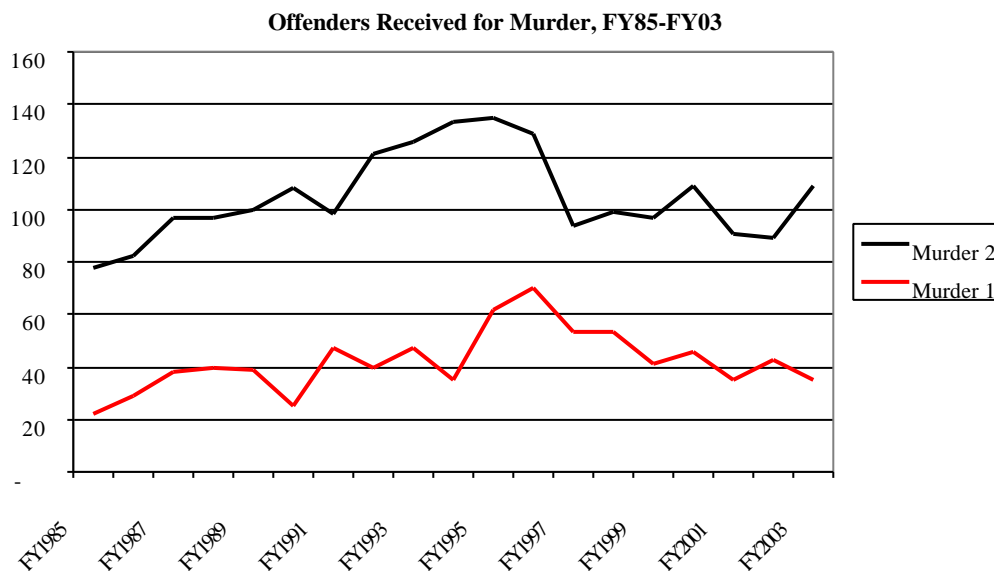
	Level I Sentences	Percent Prison Sentences	Average Prison Sentence (yrs.)
<i>Race/Hispanic</i>			
<i>Violent</i>			
Black	811	48.8	11.2
Hispanic	84	46.4	10.0
White	1,615	36.7	10.4
Other	21	33.3	14.9
Total Violent	2,531	40.9	10.7
<i>Drugs</i>			
Black	2,134	9.0	5.9
Hispanic	123	20.3	6.6
White	4,067	11.4	5.7
Other	31	-	-
Total Drugs	6,355	10.7	5.8
<i>DWI</i>			
Black	132	12.1	3.3
Hispanic	31	38.7	3.1
White	1,100	13.4	3.4
Other	8	37.5	3.7
Total DWI	1,271	14.0	3.4
<i>Other Non-Violent</i>			
Black	2,101	10.2	4.2
Hispanic	122	20.5	3.7
White	5,369	12.1	4.4
Other	45	22.2	3.7
Total Other Non-Violent	7,637	11.8	4.4
Total Sentence	17,794	15.7	7.0

## 10. DEATH PENALTY SENTENCING

The study describes recent trends in prison admissions for murder, including sentences that require the death penalty and provides some measures that should identify any racial disparity in the application of capital punishment. The full data tables are included in the appendix F.

### Admissions for Murder 1 and Murder 2

The number of offenders received for Murder I has been declining since FY96. In FY96, there were 70 admissions and in FY03 there were 30. Convictions for Murder 2, however, have remained steady at around 100 per year.



### Murder Commitment Rates

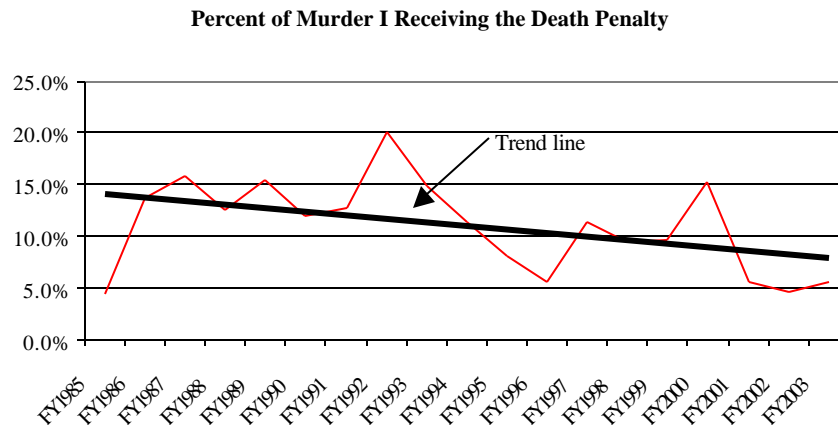
Murder admissions expressed as a rate per 100,000 of the Missouri population have shown a modest drop since 1990. Admissions, calculated as an average of three years to minimize random fluctuations, have fallen from 3.44 in FY 1989-91 to 3.03 in FY2001-2003.

**Murder Commitment Rates (per 100,000 pop.)**  
**New admissions for murder**

	1989-1991	2001-2003
Murder 1	0.72	0.66
Murder 2	2.72	2.36
Total	3.44	3.03

## The application of the death penalty

The number of offenders sentenced to death has been low in recent years. In FY2001 through to FY2003, there were two per year and in FY2004 there have been none to date. A trend line from FY85 suggests that the application of the death penalty is diminishing.



## Is there a racial disparity in the application of the death penalty?

Racial disparity might exist if one racial group is shown to be more likely to receive the death penalty than other racial groups. Because African-Americans have a higher commitment rate for Murder than other racial groups the comparison has been made between African Americans and Caucasians/Native Americans/Asians.

### Murder Commitment Rates by Race 2001-2003

#### Rates per 100,000 population

African American	11.01
White/Native American/Asian	1.02

Two indicators have been calculated

- The percent of offenders convicted of Murder I that receive the death penalty
- The percent of offenders who are convicted of Murder that are convicted of Murder I.

The results indicate that there is a racial disparity in both the indicators but it is the other group (Whites, Native Americans, Asians) that has the highest rates.

For the period FY85-FY03, 6.7% of African Americans convicted of Murder I received the death penalty while 12.6% of other races received the death penalty.

**Offenders Received for Murder I, By Race , FY85:FY04**

	African Americans				Other Races			
	Death Penalty	Life	Total	Percent Capital	Death Penalty	Life	Total	Percent Capital
Total	29	407	436	6.7%	58	404	462	12.6%

For the period FY85-FY03 25.7%% of African Americans convicted of Murder where convicted of Murder 1 while 32.4% of other races were convicted of Murder 1.

**Offenders Received with Murder By Race (FY1985:FY2004)**

	African Americans				Other Races			
	Murder I	Murder II	Total	Percent Murder I	Murder I	Murder II	Total	Percent Murder I
Total	407	1,175	1,582	25.7%	404	842	1,246	32.4%

**Is there a geographical disparity in death penalty cases?**

Sentencing is considered by many to be more severe in rural areas than in the urban and metropolitan areas.

During the period FY85-FY04, St. Louis City and Jackson County have much lower percentages of death penalty sentencing compared to the rest of the state. Additionally, St. Louis City has a very low percent of African-Americans with a death penalty sentence (4%). Based upon the figures in the table below, the lower rate of death penalty cases among African-Americans compared to the other races statewide might be attributed to the sentencing practices in St. Louis City. St. Louis City is the only county in the table below that has a significant difference in death penalty rates between races.

**Offenders Received for Murder I, By Race**

	African Americans				Other Races			
	Death Penalty	Life	Total	Percent Capital	Death Penalty	Life	Total	Percent Capital
St. Louis City	8	198	206	4%	4	34	38	11%
Jackson County	6	82	88	7%	2	41	43	5%
St. Louis County	8	58	66	12%	4	33	37	11%
Greene	-	-	-	0%	3	10	13	23%
Other Counties	7	40	47	15%	45	118	273	16%
Total	29	378	407	7%	58	236	404	14%

There appears to be no significant difference between races in the percent of murder convictions receiving a Murder 1 conviction by geographical area. All selected counties have the White, Native American, Asian group receiving a higher percentage of Murder 1.

### Offenders Received for Murder I and Murder 2, By Race

	African Americans				Other Races			
	Murder I	Murder II	Total	Percent Murder I	Murder I	Murder II	Total	Percent Murder I
St. Louis City	206	486	692	29.8%	38	77	115	33.0%
Jackson County	88	407	495	17.8%	43	126	169	25.4%
St. Louis County	66	157	223	29.6%	37	63	100	37.0%
Greene		5	5	0.0%	13	36	49	26.5%
Other Counties	47	120	167	28.1%	273	540	813	33.6%
Total	407	1,175	1,582	25.7%	404	842	1,246	32.4%

### Conclusions

Examining the sentencing data from the Missouri Department of Corrections for admissions for murder from FY85-FY04 (to November 2003) it appears that the rate of murder convictions has fallen and the number of death penalty cases is now lower than it has been at any time since FY1985. Although African-Americans have a much higher commitment rate for murder, from the analysis undertaken the evidence suggests that African-Americans are not more likely to be sentenced either to the death penalty or to Murder 1. A geographical analysis indicates that St. Louis City has a significantly different ratio of death penalty to life sentencing between African-Americans and other races.

Because the statistical analysis did not include any severity of offense, prior criminal history or demographic factors the conclusions should be considered as subject to more detailed investigations.

## Appendix A

### Authorizing Statute: 558.019 RSMo.

6. (1) A sentencing advisory commission is hereby created to consist of eleven members. One member shall be appointed by the speaker of the house. One member shall be appointed by the president pro tem of the senate. One member shall be the director of the department of corrections. Six members shall be appointed by and serve at the pleasure of the governor from among the following: the public defender commission; private citizens; a private member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members shall be appointed by the supreme court, one from a metropolitan area and one from a rural area. All members shall be appointed to a four-year term. All members of the sentencing commission appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory commission at the pleasure of the governor.

(2) The commission shall study sentencing practices in the circuit courts throughout the state for the purpose of determining whether and to what extent disparities exist among the various circuit courts with respect to the length of sentences imposed and the use of probation for offenders convicted of the same or similar crimes and with similar criminal histories. The commission shall also study and examine whether and to what extent sentencing disparity among economic and social classes exists in relation to the sentence of death and if so, the reasons therefor sentences are comparable to other states, if the length of the sentence is appropriate, and the rate of rehabilitation based on sentence. It shall compile statistics, examine cases, draw conclusions, and perform other duties relevant to the research and investigation of disparities in death penalty sentencing among economic and social classes.

(3) The commission shall establish a system of recommended sentences, within the statutory minimum and maximum sentences provided by law for each felony committed under the laws of this state. This system of recommended sentences shall be distributed to all sentencing courts within the state of Missouri. The recommended sentence for each crime shall take into account, but not be limited to, the following factors:

- (a) The nature and severity of each offense;
- (b) The record of prior offenses by the offender;
- (c) The data gathered by the commission showing the duration and nature of sentences imposed for each crime; and
- (d) The resources of the department of corrections and other authorities to carry out the punishments that are imposed.

(4) The commission shall study alternative sentences, prison work programs, work release, home-based incarceration, probation and parole options, and any other programs and report the feasibility of these options in Missouri.

- (5) The commission shall publish and distribute its recommendations on or before July 1, 2004. The commission shall study the implementation and use of the recommendations until July 1, 2005, and return a report to the governor, the Speaker of the House of Representatives, and the President Pro Tem of the Senate. Following the July 1, 2005, report, the commission shall revise the recommended sentences every two years.
- (6) The governor shall select a chairperson who shall call meetings of the commission as required or permitted pursuant to the purpose of the sentencing commission.
- (7) The members of the commission shall not receive compensation for their duties on the commission, but shall be reimbursed for actual and necessary expenses incurred in the performance of these duties and for which they are not reimbursed by reason of their other paid positions.
- (8) The circuit and associate circuit courts of this state, the office of the state courts administrator, the department of public safety, and the department of corrections shall cooperate with the commission by providing information or access to information needed by the commission. The office of the state courts administrator will provide needed staffing resources.
7. Courts shall retain discretion to lower or exceed the sentence recommended by the commission as otherwise allowable by law, and to order restorative justice methods, when applicable.
8. If the imposition or execution of a sentence is suspended, the court may order any or all of the following restorative justice methods, or any other method that the court finds just or appropriate:
- (1) Restitution to any victim for costs incurred as a result of the offender's actions;
  - (2) Offender treatment programs;
  - (3) Mandatory community service;
  - (4) Work release programs in local facilities; and
  - (5) Community-based residential and nonresidential programs.
9. The provisions of this section shall apply only to offenses occurring on or after August 28, 2003.

(L. 1986 H.B. 1098 § 1, A.L. 1988 H.B. 1340 & 1348, A.L. 1989 S.B. 215 & 58, A.L. 1990 H.B. 974, A.L. 1993 H.B. 562, A.L. 1994 S.B. 763, A.L. 1998 H.B. 1508 merged with S.B. 766, A.L. 2003 S.B. 5)

Effective 6-27-03

## Appendix B

### Proposed Risk Factors Based upon DOC Salient Factor Variables

#### Prior criminal history

- |  |    |  |
|--|----|--|
| 1. Prior convictions   |    |  |
| None   | 1  |  |
| One  | 0  |  |
| Two or more  | -1 |  |
| 2. Prior incarcerations  |    |  |
| None   | 0  |  |
| One or more  | -1 |  |
| 3. Total prior incarceration time  |    |  |
| 0-5 years  | 0  |  |
| Over 5 years   | -1 |  |
| 4. Five years conviction or incarceration free   |    |  |
| Yes  | 1  |  |
| No   | 0  |  |
| 5. Revocations of probation or parole  |    |  |
| No   | 0  |  |
| Yes  | -1 |  |
| 6. Current offense is a recidivist related offense (Burglary, Auto theft and Tampering 1 <sup>st</sup> ) |    |  |
| No   | 0  |  |
| Yes  | -1 |  |

#### Other Risk Related Variables

- |  |    |   |
|--|----|---|
| 7. Age   |    |   |
| 45 and over  | 2  |   |
| 35-44  | 1  |   |
| 22-34  | 0  |   |
| 18-21  | -1 |   |
| Under 18   | -2 |   |
| 8. Prior escape  |    |   |
| No   | 0  |   |
| Yes  | -1 |   |
| 9. Drug history (DOC substance abuse test and verified drug history) |    |   |
| No   | 1  |   |
| Yes  | 0  |   |
| 10. Education attainment- DOC test and assessment                    |    |   |
| GED or educational attainment 12 grade or better                     |    | 1 |
| Below 12th grade   |    | 0 |
| 11. Vocational readiness (DOC assessment)                            |    |   |
| Score 1-2  | 1  |   |
| Score 3  | 0  |   |
| Score 4-5  | -1 |   |

#### Add additional risk factor

- |   |  |    |
|---|--|----|
| 12. Employment status                             |  |    |
| Full time for 3 months or more                    |  | 1  |
| Part time or full time for less than three months |  | 0  |
| Unemployed  |  | -1 |

These proposed variables will be tested for statistical association during implementation. The final variable risk set may include new variables and some listed variables may be dropped or changed.



## Offender Risk Assessment Scaling

The range of possible scores for the offender risk scale ranges from 8 to minus 10 and the scaling is shown in the table below.

### Salient Factor Range

	Score
Best Possible Score	8
Worst Possible Score	-10
Range	18

### Salient Factor Classification

Risk Class	Score
Excellent	4 to 8
Above Average	2 to 3
Average	-1 to 1
Below Average	-3 to -2
Poor	-10 to -4

### Note:

This scaling of the salient factor score is based upon the risk scores of the prison population. The score will be re-validated for use in the sentencing recommendations.

## Appendix C

### **The Proposed Offense Grouping to Measure Offense Severity**

#### **Violent A and B felonies** (excluding sex assault)

Capital Murder, Murder 1 and 2, Manslaughter, Robbery 1, Robbery 2, Assault 1, Domestic Assault 1, NCIC Kidnapping, Arson 1, Armed Criminal Action and other A or B weapon offenses (31010, 31140, 31150, 31151, 31152, 31153, 31154, 31180, 31182, 31190, 31195, 31200), Treason, Elder Abuse 1 and 2 (36322, 36324), Escape using violence or weapons (28020, 28050, 28100, 28130), Causing a catastrophe (34070), Bus jacking (15040),

#### **Violent C and D felonies:**

Manslaughter, Assault 2, Domestic Assault 2, Assault 3 with deadly weapon, Arson 2 causing death, , NCIC offenses of Kidnapping (felonious restraint), Flight/Escape with use of weapons or force in escape (28055, 28060), Civil disorder (34045), Riot (34047), and Harassment because of discrimination (34055), Terrorist threats (34072, 34074, 34078), Ethnic intimidation (34110, 341120) and Aggravated stalking 1 and 2 (34210, 34220)

#### **Drugs A and B felonies:**

Drug trafficking 1 and 2, Drug manufacturing or distribution and any other A or B felony NCIC Dangerous Drug Offense,

#### **Non-Violent A and B felonies:**

Burglary 1

#### **Drugs C and D felonies:**

NCIC Dangerous Drugs

#### **Non-Violent C and D felonies:**

NCIC offenses of Burglary (not 1), Stealing, Arson (not 1 or 2 causing death), Forgery, Fraud, Gambling, Damage Property, Stolen Property, Obscenity, Family Offenses (excluding those listed in Violent C and D felonies), Obstructing Judicial Process, Weapon Offenses, Liquor Laws, Peace Disturbance, Election Laws, Health and Safety, Tax Revenue, Conservation, Motor Vehicles (other than DWI and BAC), Public Order Crimes, (with the listed exceptions in Violent C and D felonies).

#### **Sex and Child Abuse A & B felonies**

Forcible rape, Forcible sodomy, Statutory rape, Statutory sodomy, Sexual assault, Child molestation 1, Abandonment of child 1 and Sexual exploitation.

#### **Sex and Child Abuse C & D felonies**

Child molestation 2, Sexual misconduct, Incest, Abandonment of child 2, Abuse of a child, Endangering the welfare of a child and Child enticement, Child in sexual performance, Trafficking in children

#### **DWI**

Vehicles: 47410-47470, watercraft 54307-54310. Includes BAC.

## Appendix D

### A Comparison of Average Sentencing in FY 2003 compared to the 1998 Recommended Sentences

The analysis was based on all new felony sentencing received by the Department of Corrections in FY 2003 either for probation or for incarceration. The average recommended sentences are the midpoints of the sentence ranges in the User Manual.

Overall, the average prison sentence was 6.7 years while the average recommended sentence was 5.2 years. For serious Class A and Class B violent offenses, the recommended sentence was similar to the actual sentence. For most C and D felonies, the recommended sentence was less than the actual sentence. For all felony classes, the percent prison disposition is higher for violent, sex and child abuse offenses than for the other non-violent offenses.

#### Comparison of Actual and Recommended Sentencing for FY 2003

Offense Type	FY03 Sentences	FY03 Prison Sentences	Percent Prison Disposition	Average Sentence (yrs.)	Recomm. Sentence (yrs.)
<i>Class A</i>					
Violent	484	409	84.5%	19.5	18.9
Sex & Child Abuse	213	185	86.9%	15.5	13.1
Drugs	305	77	25.2%	13.1	12.9
Total	1,002	671	67.0%	17.7	16.6
<i>Class B</i>					
Violent	670	414	61.8%	9.2	9.2
Sex & Child Abuse	94	55	58.5%	9.0	6.2
Non-violent	251	77	30.7%	8.5	10.3
Drugs	2,306	497	21.6%	7.8	7.4
Total	3,321	1,043	31.4%	8.5	8.3
<i>Class C</i>					
Violent	1,349	439	32.5%	5.3	2.7
Sex & Child Abuse	387	148	38.2%	5.8	3.4
Non-violent	6,568	1,597	24.3%	4.6	2.9
Drugs	5,451	883	16.2%	4.6	2.7
Total	13,755	3,067	22.3%	4.8	2.8
<i>Class D</i>					
Violent	74	16	21.6%	4.3	1.4
Sex & Child Abuse	269	49	18.2%	3.8	2.0
Non-violent	4,064	607	14.9%	3.5	2.0
Drugs	608	135	22.2%	3.9	2.0
DWI	1,637	402	24.6%	3.7	2.7
Total	6,578	1,209	18.4%	3.6	2.2
All Sentences	24,829	6,030	24.3%	6.7	5.2

## **Appendix E**

### **The Board of Probation and Parole Guideline Matrices showing the guideline prison time in months**

#### Notes:

A separate Drug Offenses Guideline Matrix will be developed by the Board of Probation and Parole during implementation. Drug offenses are currently included in non-violent offenses.

Min. is the minimum of the guideline range and Max. is the maximum of the guideline range. For offenders with a Poor risk (the highest risk) the maximum of the range is the conditional release date. For sentences under 10 years the conditional release date is two-thirds of the sentence. For sentences from 10 to 15 years the conditional release date is three years before sentence completion and for sentences over 15 years the conditional release date is five years before sentence completion.

## Violent Offenses

### C and D Felonies

Sentence (yrs)	Excellent			Above Average			Average			Below Average			Poor		
	Min.	Guide	Max.	Min.	Guide	Max.	Min.	Guide	Max.	Min.	Guide	Max.	Min.	Guide	Max.
	33%	35%	40%	35%	40%	45%	40%	45%	50%	45%	50%	55%	50%	55%	C.R.
2	8	8	10	8	10	11	10	11	12	11	12	13	12	13	16
3	12	13	14	13	14	16	14	16	18	16	18	20	18	20	24
4	16	17	19	17	19	22	19	22	24	22	24	26	24	26	32
5	20	21	24	21	24	27	24	27	30	27	30	33	30	33	40
6	24	25	29	25	29	32	29	32	36	32	36	40	36	40	48
7	28	29	34	29	34	38	34	38	42	38	42	46	42	46	56

### A and B Felonies

Sentence (yrs)	Excellent			Above Average			Average			Below Average			Poor		
	Min.	Guide	Max.	Min.	Guide	Max.	Min.	Guide	Max.	Min.	Guide	Max.	Min.	Guide	Max.
	33%	40%	45%	40%	45%	50%	45%	50%	55%	50%	55%	60%	55%	60%	C.R.
5	20	24	27	24	27	30	27	30	33	30	33	36	33	36	40
6	24	29	32	29	32	36	32	36	40	36	40	43	40	43	48
7	28	34	38	34	38	42	38	42	46	42	46	50	46	50	56
8	32	38	43	38	43	48	43	48	53	48	53	58	53	58	64
9	36	43	49	43	49	54	49	54	59	54	59	65	59	65	72
10	40	48	54	48	54	60	54	60	66	60	66	72	66	72	84
11	44	53	59	53	59	66	59	66	73	66	73	79	73	79	96
12	48	58	65	58	65	72	65	72	79	72	79	86	79	86	108
13	52	62	70	62	70	78	70	78	86	78	86	94	86	94	120
14	56	67	76	67	76	84	76	84	92	84	92	101	92	101	132
15	60	72	81	72	81	90	81	90	99	90	99	108	99	108	144
16	64	77	86	77	86	96	86	96	106	96	106	115	106	115	132
17	68	82	92	82	92	102	92	102	112	102	112	122	112	122	144
18	72	86	97	86	97	108	97	108	119	108	119	130	119	130	156
19	76	91	103	91	103	114	103	114	125	114	125	137	125	137	168
20	80	96	108	96	108	120	108	120	132	120	132	144	132	144	180
21	84	101	113	101	113	126	113	126	139	126	139	151	139	151	192
22	88	106	119	106	119	132	119	132	145	132	145	158	145	158	204
23	92	110	124	110	124	138	124	138	152	138	152	166	152	166	216
24	96	115	130	115	130	144	130	144	158	144	158	173	158	173	228
25	100	120	135	120	135	150	135	150	165	150	165	180	165	180	240
26	104	125	140	125	140	156	140	156	172	156	172	187	172	187	252
27	108	130	146	130	146	162	146	162	178	162	178	194	178	194	264
28	112	134	151	134	151	168	151	168	185	168	185	202	185	202	276
29	116	139	157	139	157	174	157	174	191	174	191	209	191	209	288
30	120	144	162	144	162	180	162	180	198	180	198	216	198	216	300

## Sex and Child Abuse

### C and D Felonies

Sentence (vrs)	Excellent			Above Average			Average			Below Average			Poor		
	Min.	Guide	Max.	Min.	Guide	Max.	Min.	Guide	Max.	Min.	Guide	Max.	Min.	Guide	Max.
	33%	35%	40%	35%	40%	45%	40%	45%	50%	45%	50%	55%	50%	55%	C.R.
2	8	8	10	8	10	11	10	11	12	11	12	13	12	13	16
3	12	13	14	13	14	16	14	16	18	16	18	20	18	20	24
4	16	17	19	17	19	22	19	22	24	22	24	26	24	26	32
5	20	21	24	21	24	27	24	27	30	27	30	33	30	33	40
6	24	25	29	25	29	32	29	32	36	32	36	40	36	40	48
7	28	29	34	29	34	38	34	38	42	38	42	46	42	46	56

### A and B Felonies

Sentence (vrs)	Excellent			Above Average			Average			Below Average			Poor		
	Min.	Guide	Max.	Min.	Guide	Max.	Min.	Guide	Max.	Min.	Guide	Max.	Min.	Guide	Max.
	33%	40%	45%	40%	45%	50%	45%	50%	55%	45%	50%	55%	50%	55%	C.R.
5	20	24	27	24	27	30	27	30	33	27	30	33	30	33	40
6	24	29	32	29	32	36	32	36	40	32	36	40	36	40	48
7	28	34	38	34	38	42	38	42	46	38	42	46	42	46	56
8	32	38	43	38	43	48	43	48	53	43	48	53	48	53	64
9	36	43	49	43	49	54	49	54	59	49	54	59	54	59	72
10	40	48	54	48	54	60	54	60	66	54	60	66	60	66	84
11	44	53	59	53	59	66	59	66	73	59	66	73	66	73	96
12	48	58	65	58	65	72	65	72	79	65	72	79	72	79	108
13	52	62	70	62	70	78	70	78	86	70	78	86	78	86	120
14	56	67	76	67	76	84	76	84	92	76	84	92	84	92	132
15	60	72	81	72	81	90	81	90	99	81	90	99	90	99	144
16	64	77	86	77	86	96	86	96	106	86	96	106	96	106	132
17	68	82	92	82	92	102	92	102	112	92	102	112	102	112	144
18	72	86	97	86	97	108	97	108	119	97	108	119	108	119	156
19	76	91	103	91	103	114	103	114	125	103	114	125	114	125	168
20	80	96	108	96	108	120	108	120	132	108	120	132	120	132	180
21	84	101	113	101	113	126	113	126	139	113	126	139	126	139	192
22	88	106	119	106	119	132	119	132	145	119	132	145	132	145	204
23	92	110	124	110	124	138	124	138	152	124	138	152	138	152	216
24	96	115	130	115	130	144	130	144	158	130	144	158	144	158	228
25	100	120	135	120	135	150	135	150	165	135	150	165	150	165	240
26	104	125	140	125	140	156	140	156	172	140	156	172	156	172	252
27	108	130	146	130	146	162	146	162	178	146	162	178	162	178	264
28	112	134	151	134	151	168	151	168	185	151	168	185	168	185	276
29	116	139	157	139	157	174	157	174	191	157	174	191	174	191	288
30	120	144	162	144	162	180	162	180	198	162	180	198	180	198	300

## Non-Violent Offenses

### C and D Felonies

Sentence (vrs)	Excellent			Above Average			Average			Below Average			Poor		
	Min.	Guide	Max.	Min.	Guide	Max.	Min.	Guide	Max.	Min.	Guide	Max.	Min.	Guide	Max.
	15%	15%	20%	15%	17%	20%	15%	20%	25%	25%	33%	40%	45%	50%	C.R.
2	4	4	5	4	4	5	4	5	6	6	8	10	11	12	16
3	5	5	7	5	6	7	5	7	9	9	12	14	16	18	24
4	7	7	10	7	8	10	7	10	12	12	16	19	22	24	32
5	9	9	12	9	10	12	9	12	15	15	20	24	27	30	40
6	11	11	14	11	12	14	11	14	18	18	24	29	32	36	48
7	13	13	17	13	14	17	13	17	21	21	28	34	38	42	56

### A and B Felonies

Sentence (vrs)	Excellent			Above Average			Average			Below Average			Poor		
	Min.	Guide	Max.	Min.	Guide	Max.	Min.	Guide	Max.	Min.	Guide	Max.	Min.	Guide	Max.
	25%	30%	35%	30%	35%	40%	35%	40%	45%	40%	45%	55%	45%	50%	C.R.
5	15	18	21	18	21	24	21	24	27	24	27	33	27	30	40
6	18	22	25	22	25	29	25	29	32	29	32	40	32	36	48
7	21	25	29	25	29	34	29	34	38	34	38	46	38	42	56
8	24	29	34	29	34	38	34	38	43	38	43	53	43	48	64
9	27	32	38	32	38	43	38	43	49	43	49	59	49	54	72
10	30	36	42	36	42	48	42	48	54	48	54	66	54	60	84
11	33	40	46	40	46	53	46	53	59	53	59	73	59	66	96
12	36	43	50	43	50	58	50	58	65	58	65	79	65	72	108
13	39	47	55	47	55	62	55	62	70	62	70	86	70	78	120
14	42	50	59	50	59	67	59	67	76	67	76	92	76	84	132
15	45	54	63	54	63	72	63	72	81	72	81	99	81	90	144
16	48	58	67	58	67	77	67	77	86	77	86	106	86	96	132
17	51	61	71	61	71	82	71	82	92	82	92	112	92	102	144
18	54	65	76	65	76	86	76	86	97	86	97	119	97	108	156
19	57	68	80	68	80	91	80	91	103	91	103	125	103	114	168
20	60	72	84	72	84	96	84	96	108	96	108	132	108	120	180
21	63	76	88	76	88	101	88	101	113	101	113	139	113	126	192
22	66	79	92	79	92	106	92	106	119	106	119	145	119	132	204
23	69	83	97	83	97	110	97	110	124	110	124	152	124	138	216
24	72	86	101	86	101	115	101	115	130	115	130	158	130	144	228
25	75	90	105	90	105	120	105	120	135	120	135	165	135	150	240
26	78	94	109	94	109	125	109	125	140	125	140	172	140	156	252
27	81	97	113	97	113	130	113	130	146	130	146	178	146	162	264
28	84	101	118	101	118	134	118	134	151	134	151	185	151	168	276
29	87	104	122	104	122	139	122	139	157	139	157	191	157	174	288
30	90	108	126	108	126	144	126	144	162	144	162	198	162	180	300

## Board of Probation and Parole Guideline Matrix for Minimum Eligibility 25% for non-violent C and D offenders with enhanced sentences

### Non-Violent Offenses

Offenders with Enhanced C and D Felony Sentences (convicted as a Prior and Persistent Offender)

Sentence (yrs)	Excellent			Above Average			Average			Below Average			Poor		
	Min. 25%	Guide 25%	Max. 25%	Min. 25%	Guide 27%	Max. 29%	Min. 25%	Guide 29%	Max. 32%	Min. 33%	Guide 45%	Max. 50%	Min. 33%	Guide 50%	Max. C.R.
5	15	15	15	15	16	17	15	17	19	20	27	30	20	30	40
6	18	18	18	18	19	21	18	21	23	24	32	36	24	36	48
7	21	21	21	21	23	24	21	24	27	28	38	42	28	42	56
8	24	24	24	24	26	28	24	28	31	32	43	48	32	48	64
9	27	27	27	27	29	31	27	31	35	36	49	54	36	54	72
10	30	30	30	30	32	35	30	35	38	40	54	60	40	60	84
11	33	33	33	33	36	38	33	38	42	44	59	66	44	66	96
12	36	36	36	36	39	42	36	42	46	48	65	72	48	72	108
13	39	39	39	39	42	45	39	45	50	52	70	78	52	78	120
14	42	42	42	42	45	49	42	49	54	56	76	84	56	84	132
15	45	45	45	45	49	52	45	52	58	60	81	90	60	90	144
16	48	48	48	48	52	56	48	56	61	64	86	96	64	96	132
17	51	51	51	51	55	59	51	59	65	68	92	102	68	102	144
18	54	54	54	54	58	63	54	63	69	72	97	108	72	108	156
19	57	57	57	57	62	66	57	66	73	76	103	114	76	114	168
20	60	60	60	60	65	70	60	70	77	80	108	120	80	120	180



## Board of Probation and Parole Guideline Matrix for Minimum Eligibility 25% for DWI offenders with enhanced sentences

### DWI

#### D Felonies

Sentence (yrs)	Excellent			Above Average			Average			Below Average			Poor		
	Min.	Guide	Max.	Min.	Guide	Max.	Min.	Guide	Max.	Min.	Guide	Max.	Min.	Guide	Max.
	15%	15%	20%	15%	20%	25%	25%	30%	35%	35%	40%	45%	45%	50%	C.R.
2	4	4	5	4	5	6	6	7	8	8	10	11	11	12	16
3	5	5	7	5	7	9	9	11	13	13	14	16	16	18	24
4	7	7	10	7	10	12	12	14	17	17	19	22	22	24	32
5	9	9	12	9	12	15	15	18	21	21	24	27	27	30	40

### DWI

Offenders with Enhanced Sentences (convicted as a Prior and Persistent Offender)

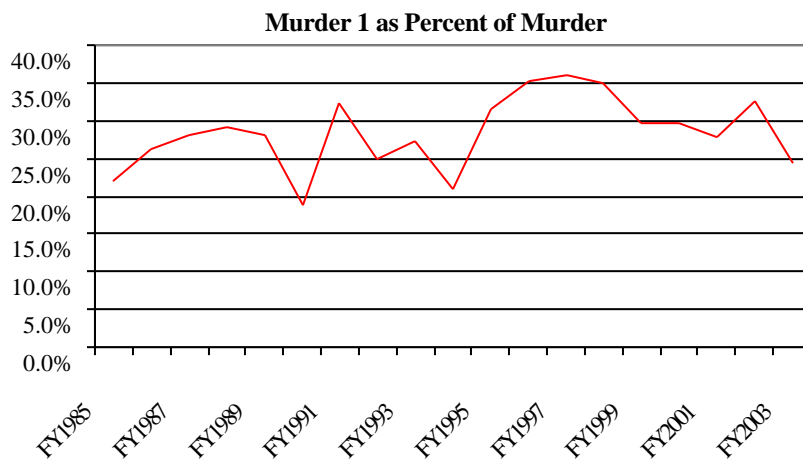
Sentence (yrs)	Excellent			Above Average			Average			Below Average			Poor		
	Min.	Guide	Max.	Min.	Guide	Max.	Min.	Guide	Max.	Min.	Guide	Max.	Min.	Guide	Max.
	25%	27%	30%	25%	30%	35%	30%	35%	40%	40%	45%	50%	50%	60%	C.R.
5	15	16	18	15	18	21	18	21	24	24	27	30	30	36	40
6	18	19	22	18	22	25	22	25	29	29	32	36	36	43	48
7	21	23	25	21	25	29	25	29	34	34	38	42	42	50	56
8	24	26	29	24	29	34	29	34	38	38	43	48	48	58	64
9	27	29	32	27	32	38	32	38	43	43	49	54	54	65	72
10	30	32	36	30	36	42	36	42	48	48	54	60	60	72	84

## Appendix F

### Death Penalty Sentencing Statistics

#### Offenders Received for Murder I (FY95-FY03)

	Death Penalty	Life	Total	Percent Capital
FY1985	1	21	22	4.5%
FY1986	4	25	29	13.8%
FY1987	6	32	38	15.8%
FY1988	5	35	40	12.5%
FY1989	6	33	39	15.4%
FY1990	3	22	25	12.0%
FY1991	6	41	47	12.8%
FY1992	8	32	40	20.0%
FY1993	7	40	47	14.9%
FY1994	4	31	35	11.4%
FY1995	5	57	62	8.1%
FY1996	4	66	70	5.7%
FY1997	6	47	53	11.3%
FY1998	5	48	53	9.4%
FY1999	4	37	41	9.8%
FY2000	7	39	46	15.2%
FY2001	2	33	35	5.7%
FY2002	2	41	43	4.7%
FY2003	2	33	35	5.7%
FY2004	0	11	11	0.0%
Total	87	713	800	10.9%



**Offenders Received for Murder 1 and Murder 2  
FY05-FY04 (to November, 2003)**

	Murder I	Murder II	Total	Percent Murder I
FY1985	22	78	100	22.0%
FY1986	29	82	111	26.1%
FY1987	38	97	135	28.1%
FY1988	40	97	137	29.2%
FY1989	39	100	139	28.1%
FY1990	25	108	133	18.8%
FY1991	47	98	145	32.4%
FY1992	40	121	161	24.8%
FY1993	47	126	173	27.2%
FY1994	35	133	168	20.8%
FY1995	62	135	197	31.5%
FY1996	70	129	199	35.2%
FY1997	53	94	147	36.1%
FY1998	53	99	152	34.9%
FY1999	41	97	138	29.7%
FY2000	46	109	155	29.7%
FY2001	35	91	126	27.8%
FY2002	43	89	132	32.6%
FY2003	35	109	144	24.3%
FY2004	11	25	36	30.6%
Total	811	2,017	2,828	28.7%

**Offenders Received for Murder I, By Race**

	African Americans				Other Races			
	Death Penalty	Life	Total	Percent Capital	Death Penalty	Life	Total	Percent Capital
FY1985	0	8	8	0.0%	1	14	15	6.7%
FY1986	1	13	14	7.1%	3	16	19	15.8%
FY1987	2	16	18	11.1%	4	22	26	15.4%
FY1988	0	12	12	0.0%	5	28	33	15.2%
FY1989	2	20	22	9.1%	4	19	23	17.4%
FY1990	1	15	16	6.3%	2	10	12	16.7%
FY1991	4	27	31	12.9%	2	20	22	9.1%
FY1992	1	22	23	4.3%	7	18	25	28.0%
FY1993	4	17	21	19.0%	3	30	33	9.1%
FY1994	1	22	23	4.3%	3	13	16	18.8%
FY1995	3	36	39	7.7%	2	26	28	7.1%
FY1996	2	39	41	4.9%	2	31	33	6.1%
FY1997	1	30	31	3.2%	5	23	28	17.9%
FY1998	1	24	25	4.0%	4	29	33	12.1%
FY1999	1	20	21	4.8%	3	21	24	12.5%
FY2000	2	24	26	7.7%	5	22	27	18.5%
FY2001	1	21	22	4.5%	1	14	15	6.7%
FY2002	1	24	25	4.0%	1	19	20	5.0%
FY2003	1	11	12	8.3%	1	24	25	4.0%
FY2004	0	6	6	0.0%	0	5	5	0.0%
Total	29	407	436	6.7%	58	404	462	12.6%

### Offenders Received with Murder By Race

	African Americans				Other Races			
	Murder I	Murder II	Total	Percent Murder I	Murder I	Murder II	Total	Percent Murder I
FY1985	8	33	41	19.5%	14	45	59	23.7%
FY1986	13	41	54	24.1%	16	41	57	28.1%
FY1987	16	57	73	21.9%	22	40	62	35.5%
FY1988	12	52	64	18.8%	28	45	73	38.4%
FY1989	20	60	80	25.0%	19	40	59	32.2%
FY1990	15	75	90	16.7%	10	33	43	23.3%
FY1991	27	58	85	31.8%	20	40	60	33.3%
FY1992	22	82	104	21.2%	18	39	57	31.6%
FY1993	17	74	91	18.7%	30	52	82	36.6%
FY1994	22	74	96	22.9%	13	59	72	18.1%
FY1995	36	84	120	30.0%	26	51	77	33.8%
FY1996	39	88	127	30.7%	31	41	72	43.1%
FY1997	30	55	85	35.3%	23	39	62	37.1%
FY1998	24	50	74	32.4%	29	49	78	37.2%
FY1999	20	61	81	24.7%	21	36	57	36.8%
FY2000	24	60	84	28.6%	22	49	71	31.0%
FY2001	21	51	72	29.2%	14	40	54	25.9%
FY2002	24	50	74	32.4%	19	39	58	32.8%
FY2003	11	58	69	15.9%	24	51	75	32.0%
FY2004	6	12	18	33.3%	5	13	18	27.8%
Total	407	1,175	1,582	25.7%	404	842	1,246	32.4%